Government of Bombay
Legal Department

The Bombay Code

Volume I

Containing

The Bombay Regulations in force in Bombay from 1827 to 1831; the Local Acts of the Governor General in Council in force in Bombay from 1835 to 1894; the Unrepealed Acts of the Governor of Bombay in Council in force in Bombay from 1862 to 1920; and a Chronological Table of Acts with an Index

SIXTH EDITION

[Price—Rs. 25 for the set of two volumes]

BOMBAY
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PREFACE

The present sixth edition of the Bombay Code is based on the last edition issued in the year 1938, with the addition of enactments made thereafter till the 1st July 1949. It contains, with some exceptions, the unrepealed Bombay Regulations, the local Acts of the Governor General in Council in force in the Province character :—

Act X of 1915 (Sir Jamsetjee Jeejeebhoy Baronetcy).

Bom. Act XXVII of 1939 (Sir Chinubhai Madhavlal

Act XXV of 1917 (Sir Currimbhoy Ebrahim Baronetcy Amendment).

Act XVIII of 1848 (Nawab of Surat).

Act VI of 1893 (Sir Dinshaw Manockjee Petit).

Act XIX of 1911 (Sir Cowasjee Jehangir Baronetcy).

Act IV of 1913 (Sir Currimbhoy Ebrahim Baronetcy).

Act II of 1915 (Sir Sassoon Jacob David Baronetcy).

Bom. Act VIII of 1924 (Sir Chinubhai Madhavlal

narrow limits and which were excluded from the last edition of the Code;

(*b*) the following Acts, which are of a purely personal of Bombay, the Acts passed by the Governor of Bombay in Council, the Bombay Legislative Council and the Bombay Legislature and the Regulations made by the Governor of Bombay under sub-

Ranchhodlal Baronetcy).

Bom. Act XVI of 1936 (Sir Chinubhai Madhavlal Ranchhodlal Baronetcy Amendment).

section (*2*) of section 92 of the Government of India Act, 1935.

2. The exceptions referred to above are :—

(*a*) certain enactments which are now only in force within

Ranchhodlal Baronetcy Amendment).

Bom. Act X of 1943 (Arnold Marriage Validating).

3. This edition of the Code consists of two volumes and, like the earlier editions, is divided into parts according to the class of enactments in each part. Volume I contains Part I, which reproduces unrepealed Bombay Regulations published in the last edition; Part II, which consists of unrepealed local Acts of the Governor General in Council now in force in the Province of Bombay; and Part III, which consists of the Acts passed by the

Governor of Bombay in Council. Volume II contains Part IV, which consists of the Acts passed by the Bombay Legislative Council; and Part V, which consists of the Acts passed by the Bombay Legislature. The Regulations made by the Governor of Bombay under sub-section (*2*) of section 92 of the Government of India Act, 1935, have been printed immediately after the Acts passed by the Bombay Legislature in that year.

4. All Acts are printed as modified up to the 1st July 1949. All Acts purely of an amending nature modifying the main Bombay Acts have been omitted except those which have modified the Central Acts. All changes necessitated by the India (Adaptation of Existing Indian Laws) Order, 1947, and the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948, have been carried out.

5. In order to facilitate ready reference to all the changes carried out in any Act, a table has been inserted at the commencement of each Act setting out the numbers and years of all amending and repealing Acts and also the dates of publication in the Bombay Government Gazette of the assent to such Acts. A chronological table of the enactments contained in each volume is given in the beginning of the volume and an alphabetical index of the enactments is appended at the end. In addition, a general index of the subjects in the titles of the enactments has been appended at the end of the second volume.

6. A new feature of this edition is that it is issued in the style of the loose leaf binder. The reason for this innovation is that in practice it has been found difficult to maintain a corrected up-to-date copy of the Code for ready reference. The paging in both the volumes and of the volumes which will follow is continuous, and hereafter whenever any changes are made by reason of any repealing or amending enactment, it is proposed to issue replacement pages embodying such changes which should be inserted at the appropriate place. A separate loose leaf binder will also be issued for the third volume along with the first new enactment to be included in that volume. Subsequent new enactments should thereafter be included in that volume.

R. M. LAD, I.C.S.,
Secretary to the Government of Bombay,
Legal Department.

Bombay,
15th August 1949.

CHRONOLOGICAL TABLE.

PART I.—BOMBAY REGULATIONS IN FORCE IN BOMBAY.

(1827-1831)

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette.*	Page.
1	2	3	4	5	6
1827	II	Caste- questions, Pleaders	Rep. in part by Act 1 of 1846.	7th January 1846 ..	
			Rep. in part by Act 10 of 1861.	29th April 1861 ..	
			Rep. in part by Act 10 of 1873.	8th April 1873 ...	
			Rep. in part by Act 12 of 1873.	7th August 1873 ..	
			Rep. in part by Act 12 of 1876.	11th April 1876 ..	
			Rep. in part by Act 18 of 1879 (as amended by Act1 of 1903).	29th October 1879 ..	
			Rep. in part by Bom. Act 6 of 1866 ; (locally), by Act 14 of 1869 ; and amended by Act 16 of 1895.	31st May 1866 .. 19th March 1869 10th October 1895	
			Rep. excepting part of section 21 by Bom. Act 17 of 1920.	13th December 1920	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
	IV	Civil Courts (Law to be observed).	Rep. in part by Act 10 of 1861.	29th April 1861 ..	
			Rep. in part by Act 17 of 1862.	1st May 1862 ..	
			Rep. in part by Act 6 of 1874.	24th March 1874 ..	
			Rep. in part (locally) by 14 of 1869.	19th March 1869 ..	
			Rep. in part (locally) by Bom. Act 5 of 1879.	17th July 1879 ..	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
	V	Acknowledgment of debts ; Interest ; Mortgages.	Rep. in part by Act 28 of 1855.	19th September 1855	
			Rep. in part by Act 9 of 1871.	24th March 1871 ..	
			Rep. in part by Act 12 of 1873.	7th August 1873 ..	
			Rep. in part by Act 12 of 1876.	11th April 1876 ..	
			Rep. in part by Act 4 of 1894.	23rd February 1894	
			Rep. in part (locally) by Act 17 of 1879, s. 12.	29th October 1879 ..	
			Rep. in part (locally) by Act 4 of 1882.	17th February 1882	

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1827	VIII	Administration of Estates.-	Rep. in part by Act 12 of 1873.	7th August 1873 ..	9
			Application of section 10 restricted (locally) by Bom. 4 of 1890, section 58 (3).	4th September 1890	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
	XII	Police (Duties and Powers of Magistrates).	Rep. in part by Act 3 of 1857.	31st January 1857 ..	14
			Rep. in part by Act 17 of 1862.	1st May 1862 ..	
			Rep. in part by Act 10 of 1872.	25th April 1872 ..	
			Rep. in part by Act 10 of 1873.	8th April 1873 ..	
			Rep. in part by Act 12 of 1873.	7th August 1873 ..	
			Rep. in part by Act 12 of 1876.	11th April 1876 ..	
			Rep. in part by Act 4 of 1894.	23rd February 1894	
			Rep. in part by Bom. 6 of 1866.	31st May 1866	
			Rep. in part by Bom. 7 of 1867.	28th December 1867	
			Rep. in part by Bom. 8 of 1867.	21st December 1867	
			Rep. in part Bom. 2 of 1870.	5th December 1870..	
			Rep. in part (locally) by Bom. 4 of 1890.	4th September 1890.	
			Rep. in part and amended by Bom. 3 of 1886.	25th September 1886.	
			Supplemented by Act 2 of 1889.	15th February 1889.	
			Rep. in part by Bom. 15 of 1932.	1st December 1932.	
	XIII	Criminal Courts (Substitution of letter for summons).	Rep. in part by Act 17 of 1862.	1st May 1862 ..	
			Rep. in part by Act 10 of 1872.	25th April 1872 ..	
			Rep. in part by Act 24 of 1872.	25th September 1872	
			Rep. in part by Act 10 of 1873.	8th April 1873 ..	
			Rep. in part by Act 12 of 1873.	7th August 1873 ..	
			Rep. in part by Act 12 of 1876.	11th April 1876 ..	
			Rep. in part by Act 4 of 1894.	23rd February 1894..	
			Rep. in part by Bom. 4 of 1865.	7th September 1865.	
			Rep. in part by Bom. 6 of 1866.	31st May 1866 ..	

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1827	XXII	Military Authority (Assistance to Marching Troops).	Rep. (except sections 40 to 43) by Act 13 of 1889.	11th October 1889 ..	18
			Rep. in part by Act 12 of 1873.	7th August 1873 ..	
			Amended by Bom. 3 of 1886.	25th September 1886	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
	XXV	State Prisoners ..	Rep. in part by Act 3 of 1858.	23rd January 1858 ..	20
			Rep. in part by Act 12 of 1873.	7th August 1873 ..	
			Rep. in part by Act 12 of 1876.	11th April 1876 ..	
			Amended by Bom. 3 of 1886.	25th September 1886	
			Supplemented by Act 34 of 1850.	23rd August 1850 ..	
			Supplemented by Act 3 of 1858.	23rd January 1858 ..	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
	XXIX	Dekkhan and Khandesh (Puna, Ahmednagar and Khandesh Districts).	Rep. in part by Bom. Reg. 4 of 1828.	21st May 1828 ..	24
			Rep. in part by Act 6 of 1842.	5th August 1842 ..	
			Rep. in part by Act 11 of 1846.	12th December 1846	
			Rep. in part by Act 4 of 1868.	28th January 1869 ..	
			Rep. in part by Act 14 of 1869.	19th March 1869 ..	
			Rep. in part by Act 10 of 1876.	28th March 1876 ..	
			Rep. in part by Act 12 of 1876.	11th April 1876 ..	
			Rep. in part by Act 4 of 1894.	23rd February 1894	
			Supplemented by Bom. Reg. I of 1831 as amended by Bom. Reg. 16 of 1831, s. (2)	5th January 1831 .. and 14th September 1831	
			Supplemented by Bom. 19 of 1835.	9th November 1835	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette.*	Page.
1	2	3	4	5	6
1830	VII	Southern Maratha Country (Dharwar District).	Rep. in part by Act 6 of 1842.	5th August 1842 ..	31
			Rep. in part by Act 12 of 1873.	7th August 1873 ..	
			Rep. in part by Act 10 of 1876.	28th March 1876 ..	
			Rep. in part by Act 12 of 1876.	11th April 1876 ..	
			Amended by Act 16 of 1895.	10th October 1895 ..	
			Supplemented by Bom. Reg. 16 of 1831.	14th September 1831	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
	XIII	Jurisdiction of Jagirdars, etc.	Rep. in part by Act 12 of 1873.	7th August 1873 ..	39
			Rep. in part by Act 12 of 1876.	11th April 1876 ..	
			Amended by Act 4 of 1894.	23rd February 1894	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
1831	I	Land-suits ..	Rep. in part by Act 12 of 1873.	7th August 1873 ..	42
			Amended by Bom. Reg. 16 of 1831.	14th September 1831	
			Amended by Act 13 of 1842.	28th October 1842 ..	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
	XVI	Land-suits ..	Rep. in part by Act 12 of 1873.	7th August 1873 ..	43
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		

PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN BOMBAY.

(1835—1894)

Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Date of publication of the Act in the *Official Gazette.*	Page.
1	2	3	4	5	6
1835	XIX	The Dekkhan Assistant Agent's Appointment Act, 1835.	Rep. in part and amended by Act 12 of 1891. Adapted and modified by the Adaptation of Indian Laws Order in Council.	21st March 1891 ..	45
1838	XVI	The Bombay Courts of Adalat Act, 1838.	Rep. in part by Act 14 of 1870. Rep. in part by Act 16 of 1874. Rep. in part by Act 10 of 1876. Rep. in part by Bom. 2 of 1866. Rep. in part by Bom. 3 of 1876. Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.	5th April 1870 .. 16th December 1874. 28th March 1876. 26th February 1866. 16th February 1877.	47
	XIX	The Bombay Coasting Vessels Act, 1838.	Rep. in part by Act 14 of 1870. Rep. in part by Act 16 of 1874. Rep. in part by Act 12 of 1876. Adapted and modified by the Adaptation of Indian Laws Order in Council. Adapted and modified by the Indian Independenc (Adaptation of Central Acts and Ordinances) Order, 1948.	5th April 1870 .. 16th December 1874. 11th April 1876.	51
1839	XX	The Bombay Haqqa Prohibition Act, 1839.	Rep. in part by Act 16 of 1874. Amended by Act 4 of 1894. Adapted and modified by the Adaptation of Indian Laws Order in Council.	16th December 1874. 23rd February 1894.	57
1840	XV	The Bombay Regulation XIII of 1830 (Application) Act, 1840.	Rep. in part by Act 16 of 1874. Adapted and modified by the Adaptation of Indian Laws Order in Council. Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.	16th December 1874.	61

Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1844	XIX	The Bombay Town-Duties Abolition Act, 1844.	....	....	63
1852	XI	The Bombay Rent-free Estates Act, 1852.	Rep. in part by Act 16 of 1875.	5th August 1875 ..	65
			Rep. in part by Act 10 of 1876.	28th March 1876.	
			Rep. in part by Act 4 of 1894.	23rd February 1894.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
1853	XI	The Shore-nuisances (Bombay and Kolaba) Act, 1853.	Rep. in part by Act 22 of 1855.	1st September 1855 ..	75
			Rep. in part by Act 14 of 1870.	5th April 1870.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
1857	IV	The Tobacco Duty (Town of Bombay) Act, 1857.	Rep. in part by Act 14 of 1870.	5th April 1870 ..	79
			Rep. in part by Act 16 of 1874.	16th December 1874.	
			Rep. in part by Act 12 of 1876.	11th April 1876.	
			Rep. in part by Act 12 of 1891.	21st March 1891.	
			Amended by Bom. 1 of 1932.	30th March 1932.	
			Amended by Bom. 14 of 1933.	28th September 1933	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 6 of 1938.	24th March 1938.	
			Amended by Bom. 17 of 1945.	15th August 1945.	
1866	XXIII	The Bombay High Court (Letters Patent) Act, 1866.	....	....	87
1869	XIV	The Bombay Civil Courts Act, 1869.	Rep. in part by Act 14 of 1870.	5th April 1870 ..	89
			Rep. in part by Act 12 of 1876.	11th April 1876.	
			Rep. in part by Act 7 of of 1889.	8th March 1889.	
			Rep. in part by Act 8 of 1890.	21st March 1890.	
			Rep. in part by Act 12 of 1891.	21st March 1891.	
			Rep. in part by Bom. 1 of 1910.	23rd February 1910.	

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1867	VI	The Bombay City Sanitary Regulation Act, 1867.	Rep. in part by Bom. 3 of 1886.	25th September 1886	281
			Rep. in part by Act 38 of 1920.	14th September 1920.	
			Amended by Act 16 of 1895.	10th October 1895.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Rep. in part by Act 32 of 1940.	27th November 1940.	
	VII	The Bombay District Police Act, 1867.	Rep. in part and amended by Bom. 3 of 1886.	25th September 1886.	289
			Rep. (save sections 33 and 34) by Bom. 4 of 1890.	4th September 1890.	
			Sections 33 and 34 rep. locally and temporarily by Bom. 1 of 1889.	23rd May 1890.	
			Sections 33 and 34 rep. locally and temporarily by Bom. 6 of 1933.	12th June 1933.	
	VIII	The Bombay Village Police Act, 1867.	Rep. in part by Act 12 of 1873.	7th August 1873 ...	293
			Rep. in part by Act 12 of 1876.	11th April 1876.	
			Rep. in part by Bom. 3 of 1886.	25th September 1886.	
			Rep. in part by Bom. 28 of 1949.	3rd June 1949.	
			Rep. in part (locally and temporarily) by Bom. 1 of 1889.	23rd May 1890.	
			Amended by Bom. 1 of 1876.	9th March 1876.	
			Amended by Bom. 3 of 1886 (as amended by Bom. 1 of 1891).	25th September 1886. 19th November 1891.	
			Amended by Bom. 4 of 1905.	6th October 1905.	
			Amended by Bom. 3 of 1915.	15th June 1915.	
			Amended by Bom. 9 of 1925.	27th January 1926.	
			Supplemented by Bom. 4 of 1890.	4th September 1890.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 17 of 1945.	15th August 1945.	
			Amended by Bom. 18 of 1947.	25th April 1947.	

Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1869	XIV	The Bombay Civil Courts Act, 1869—(*contd.*)	Amended by Act 10 of 1876.	28th March 1876.	
			Amended by Act 9 of 1880.	30th April 1880.	
			Amended by Act 15 of 1880.	3rd November 1880.	
			Amended by Act 28 of 1930.	25th July 1930.	
			Amended by Bom. 3 of 1895.	24th January 1896.	
			Amended by Bom. 1 of 1900.	1st June 1900.	
			Amended by Bom. 5 of 1912.	28th June 1912.	
			Amended by Bom. 5 of 1914.	15th September 1914.	
			Amended by Bom. 6 of 1926.	19th May 1926.	
			Amended by Bom. 9 of 1927.	1st November 1927.	
			Amended by Bom. 7 of 1930.	14th May 1930.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 11 of 1942.	5th May 1942.	
			Amended by Bom. 20 of 1942.	11th November 1942.	
			Amended by Bom. 10 of 1945.	28th April 1945.	
			Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.		
			Amended by Bom. 22 of 1949.	12th May 1949.	
1871	IV	The Coroners Act 1871.	Rep. in part by Act 9 of 1871.	24th March 1871 ..	105
			Rep. in part by Act 10 of 1873.	8th April 1873.	
			Rep. in part by Act 12 of 1873.	7th August 1873.	
			Rep. in part by Act 16 of 1874.	16th December 1874.	
			Rep. in part by Act 12 of 1891.	21st March 1891.	
			Rep. in part and amended by Act 10 of 1881.	25th February 1881.	
			Rep. in part and amended by Act 4 of 1908.	14th February 1908.	
			Amended by Act 5 of 1889.	1st March 1889.	

Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1871	IV	The Coroners Act, 1871—(*contd.*)	Amended by Act 38 of 1920.	14th September 1920.	
			Amended, by Bom. 13 of 1930.	3rd September 1930.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 6 of 1947.	23rd March 1947.	
			Amended by Bom. 16 of 1948.	24th March 1948.	
			Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.		
1876	X	The Bombay Revenue Jurisdiction Act, 1876.	Rep. in part by Act 4 of 1894.	23rd February 1894..	117
			Rep. in part by Act 16 of 1895.	10th October 1895.	
			Rep. in part and amended by Act 15 of 1880.	3rd November 1880.	
			Rep. in part and amended by Act 12 of 1891.	21st March 1891.	
			Amended by Act 16 of 1877.	19th August 1877.	
			Amended by Bom. Act 21 of 1929.	27th December 1929.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Rep. in part by Act 1 of 1938.	28th January 1938.	
			Amended by Bom. 17 of 1945.	15th August 1945.	
			Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.		
"	XV	The Bombay Municipal Debentures Act, 1876.	Rep. in part by Act 1 of 1879.	29th March 1879 ..	127
"	XX	The Bhaunagar Act, 1876.	Rep. in part by Act 16 of 1895.	10th October 1895 ..	131
			Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.		
1877	XIV	The Broach and Kaira Incumbered Estates Act, 1877.	Rep. in part by Act 4 of 1894.	23rd February 1894	137
			Rep. in part and amended by Act 21 of 1881.	7th September 1881.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		

Year	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Date of publication of the Act in the *Official Gazette.*	Page.
1	2	3	4	5	6
1879	XVI	The Transport of Salt Act, 1879.	Rep. in part by Act 11 of 1901.	25th October 1901 ...	141
			Amended by Act 12 of 1891.	21st March 1891.	
			Amended by Act 4 of 1914.	15th September 1914.	
			Amended by Act 22 of 1925.	11th September 1925.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.		
1879	XVII	The Dekkhan Agriculturists' Relief Act, 1879.	Rep. in part by Act 12 of 1891.	21st March 1891 ...	145
			Rep. in part by Act 16 of 1895.	10th October 189.	
			Rep. in part and amended by Act 23 of 1881.	26th October 1881.	
			Rep. in part and amended by Act 22 of 1882.	22nd December 1882.	
			Rep. in part and amended by Act 23 of 1886.	22nd October 1886.	
			Rep. in part and amended by Act 6 of 1895.	15th February 1895.	
			Rep. in part and amended by Act 38 of 1920.	14th September 1920.	
			Rep. in part and amended by Bom. 1 of 1912.	29th January 1912.	
			Amended by Bom. 1 of 1902.	1st March 1902.	
			Amended by Bom. 2 of 1907.	27th August 1907.	
			Amended by Bom. 1 of 1910.	23rd February 1910.	
			Amended by Bom. 7 of 1927.	29th September 1927.	
			Amended by Bom. 14 of 1932.	1st December 1932.	

Year	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Date of publication of the Act in the *Official Gazette.*	Page.
1	2	3	4	5	6
1879	XVII	The Dekkhan Agriculturists' Relief Act, 1879—(contd.)	Amended by Bom. 5 of 1935.	16th April 1935.	
			Adapted and modified by the Adaption of Indian Laws Order in Council.		
			Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.		
1881	XXI	The Broach and Kaira Incumbered Estates Act, 1881.	Amended by Bom. 2 of 1919.	14th May 1919 ..	173
			Rep. in part by Act 38 of 1920.	14th September 1920.	
			Declared not to be in force in the Panch Mahals by Act 7 of 1885.	20th February 1885.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Rep. in part by Act 1 of 1938.	28th January 1938.	
			Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.		
1885	VII	The Panch Mahals Laws Act, 1885.	Repealed in part by Act 12 of 1891.	21st March 1891 ..	185
			Amended by Bom. 1 of 1910.	23rd February 1910.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
1888	XII	The City of Bombay Municipal (Supplementary) Act, 1888.	Adapted and modified by the Adaptation of Indian Laws Order in Council.	....	189
			Rep. in part by Bom. 76 of 1948.	31st December 1948 ..	
1891	VIII	Easements (Extending Act 5 of 1882).	....	....	193
1894	XV	The Engineers' Certificates Validation Act, 1894.	Rep. in part by Act 10 of 1914.	17th March 1914 ..	195

PART III—THE UNREPEALED ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

(1862 to 1920.)

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1862	IV	The Markets and Fairs Act, 1862.	Rep. in part by Act 12 of 1873. Rep. in part by Act 12 of 1876. Rep. in part and amended by Bom. 3 of 1886. Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom. 17 of 1945.	7th August 1873 . . . 11th April 1876. 25th September 1886. 15th August 1945.	197
1862	VI	The Ahmedabad Taluqdars Act, 1862.	Rep. in part by Act 12 of 1876 and by Bom. 3 1886. Adapted and modified by the Adaptation of Indian Laws Order in Council.	11th April 1676 . . 25th September 1886.	201
1863	II	The Exemptions from Land-revenue (No. 1) Act, 1863.	Rep. in part by Act 10 of 1876. Rep. in part by Act 12 of 1876. Rep. in part and amended by Act 16 of 1895. Rep. in part and amended by Bom. 3 of 1886. Adapted and modified by the Adaptation of Indian Laws Order in Council.	28th March 1876 . . 11th April 1876. 10th October 1895. 25th September 1886.	209
1863	III	The Satara, Sholapur and Southern Maratha Country Laws Act, 1863.	Rep. in part by Act 4 of 1868. Rep. in part by Act 15 of 1874. Rep. in part by Act 10 of 1876. Rep. in part by Act 16 of 1895. Rep. in part by Bom. 3 of 1886.	14th February 1868 . . 8th December 1874. 28th March 1876. 10th October 1895. 25th September 1886.	221
1863	V	The Gas Companies Act, 1863.	Rep. in part by Bom. 3 of 1886. Amended by Act 16 of 1895. Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom. 17 of 1945.	25th September 1886. 10th October 1895. 15th August 1945.	235

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1863	VII	The Exemptions from Land-revenue (No. 2) Act, 1863.	Rep. in part by Act 12 of 1873. Rep. in part by Act 10 of 1876. Rep. in part by Act 12 of 1876. Rep. in part (locally) by Bom. 5 of 1879. Rep. in part and amended by Bom. 3 of 1886. Amended by Act 16 of 1895. Adapted and modified by the Adaptation of Indian Laws Order in Council.	7th August 1873 .. 28th March 1876. 11th April 1876. 17th July 1879. 25th September 1886. 10th October 1895.	245
1864	II	The Bombay Steam-vessels Act, 1864.	Rep. (except section , by Act 6 of 1884.	29th February 1884.	259
1865	I	The Khots Leases Act, 1865.	Rep. in part by Act 12 of 1873. Rep. in part by Act 10 of 1876. Rep. in part by Bom. 4 of 1868. Amended by Bom. 1 of of 1875. Rep. locally (except sections 37 and 38) by Bom. 5 of 1879. Sections 37 and 38 rep. (locally) by Bom. 1 of 1880. Adapted and modified by the Adaptation of Indian Laws Order in Council.	7th August 1873. 28th March 1876. 28th January 1869. 28th May 1875. 17th July 1879. 6th May 1880.	261
1865	III	The Act for Avoiding Wagers (Amendment) Act, 1865.	Rep. in part by Act 16 of 1895. Rep. in part by Bom. 3 of 1886.	10th October 1895 .. 25th September 1886.	265
1865	VII	The Religious Endowments (Extension to Kanara) Act, 1865.	....	....	269
1866	VII	The Bombay Hindu Heirs' Relief Act, 1866.	Rep. in part by Act 12 of 1873. Rep. in part, by Bom. 3 of 1886.	7th August 1873 .. 25th September 1886.	273
1866	XIV	The Edulabad and Warangaon Parganas Laws Act, 1866.	Rep. in part by Act 10 of 1876. Rep. in part by Act 12 of 1876. Rep. in part by Act 16 of 1895.	28th March 1876 .. 11th April 1876. 10th October 1895.	277

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1	2	3	4	5	6
1868	II	The Bombay Ferries Act, 1868.	Rep. in part by Act 12 of 1873.	7th August 1873.	301
			Rep. in part by Act 2 of 1901.	22nd February 1901.	
			Rep. in part by Act 38 of 1920.	14th September 1920.	
			Rep. in part by Bom. 3 of 1886.	25th September 1886.	
			Rep. in part (except in the City of Bombay) by Bom. 1 of 1884.	21st March 1884.	
			Amended by Bom. 2 of 1878.	23rd February 1878.	
			Amended by Bom. 8 of 1923.	30th April 1923.	
			Amended by Bom. 4 of 1933.	8th April 1933.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 21 of 1942.	2nd December 1942.	
			Amended by Bom. 17 of 1945.	15th August 1945.	
1874	II	The Civil Jails Act, 1874.	Rep. in part by Act 9 of 1894.	20th March 1894.	311
			Rep. in part by Bom. 3 of 1886.	25th September 1886.	
			Amended by Bom. 2 of 1882.	29th March 1882.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
	III	The Bombay Hereditary Offices Act, 1874.	Rep. in part by Act 12 of 1876.	11th April 1876 ...	317
			Rep. in part by Bom. 3 of 1886.	25th September 1886.	
			Rep. in part and amended by Act 16 of 1895.	10th October 1895.	
			Rep. in part and amended, by Bom. 5 of 1886.	28th January 1887.	
			Rep. in part and amended, by Bom. 3 of 1910.	1st October 1910.	
			Rep. in part amended and supplemented (locally), by Bom. 6 of 1887.	30th January 1888.	
			Amended by Bom. 3 of 1915.	15th June 1915.	
			Amended by Bom. 11 of 1925.	27th January 1926.	
			Amended by Bom. 11 of 1930.	29th May 1930.	

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1874	III	The Bombay Hereditary officers Act, 1874—*contd.*	Amended by Bom. 15 of 1931.	19th October 1931.	317
			Amended by Bom. 12 of 1932.	16th November 1932.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
1875	III	The Tolls on Roads and Bridges Act, 1875.	Rep. in part by Act 16 of 1895.	10th October 1895 ...	34
			Rep. in part by Act 2 of 1901.	29th March 1901.	
			Rep. in part by Bom. 3 of 1886.	25th September 1886.	
			Rep. in part (except in the City of Bombay) by Bom. 1 of 1884.	21st March 1884.	
			Amended by Bom. 5 of 1881.	14th November 1881.	
			Amended (except in the City of Bombay) by Bom. 1 of 1884.	21st March 1884.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
1876	II	The Bombay City Land-Revenue Act, 1876.	Rep. in part by Bom. 3 of 1886.	25th September 1886.	351
			Rep. in part by Act 38 of 1920.	14th September 1920.	
			Amended by Act 16 of 1895.	10th October 1895.	
			Amended by Bom. 3 of 1900.	25th October 1900.	
			Amended by Bom. 1 of 1910.	23rd February 1910.	
			Amended by Bom. 4 of 1915.	7th October 1915.	
			Amended by Bom. 2 of 1919.	14th May 1919.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 49 of 1947.	24th December 1947.	
			Amended by Bom. 9 of 1949.	14th April 1949.	
1877	I	The Bombay Vaccination Act, 1877.	Rep. in part by Bom. 3 of 1886.	25th September 1886.	371
			Rep. in part and amended by Act 16 of 1895.	10th October 1895.	
			Amended by Bom. 3 of 1882.	29th March 1882.	
			Amended by Bom. 3 of 1907.	16th January 1908.	
			Adapted and modified by the Adaptation of Indian Laws Order in council.		

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
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1878	V	The Bombay Abkari Act, 1878.	Repealed except s. 29A by Bom. 25 of 1949.	20th May 1949.	383
1879	V	The Bombay Land Revenue Code, 1879.	Rep. in part by Bom. 3 of 1886.	25th September 1886.	385
			Rep. in part by Bom. 32 of 1949.	23rd June 1949.	
			Rep. in part and amended by Act. 16 of 1895.	10th October 1895.	
			Rep. in part and amended by Bom. 6 of 1901.	5th October 1901.	
			Rep. in part and amended by Bom. 4 of 1905.	6th October 1905.	
			Rep. in part and amended by Bom. 20 of 1939.	19th October 1939.	
			Rep. in part and amended by Bom. 20 of 1939.	2nd April 1940.	
			Rep. in part and amended (locally) by Bom. 1 of 1880.	6th May 1880.	
			Rep. in part and amended (locally) by Bom. 6 of 1888 as amended by Bom. 2 of 1905.	25th March 1889. 28th June 1905.	
			Rep. in part and amended (locally) by Bom. 11 of 1912.	30th August 1912.	
			Rep. in part and amended (locally) by Bom. 4 of 1913.	28th May 1913.	
			Rep. in part and amended (locally) by Bom. 2 of 1919.	14th May 1919.	
			Amended by Bom. 7 of 1879.	2nd October 1879.	
			Amended by Bom. 4 of 1886.	10th November 1886.	
			Amended by Bom. 1 of 1910.	23rd February 1910.	
			Amended by Bom. 7 of 1914.	24th October 1914.	
			Amended by Bom. 1 of 1920.	31st May 1920.	
			Amended by Bom. 3 of 1921.	2nd Decmeber 1921.	
			Amended by Bom. 15 1929.	17th October 1929.	
			Amended by Bom. 3 of 1932.	11th May 1932.	
			Amended by Bom. 31 of 1935.	30th January 1936.	
			Amended by Bom. 5 of 1936.	23rd March 1936.	

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1879	V	The Bombay Land Revenue Code, 1879—*contd.*	Adapted and modified by the Adaptation of Indian Laws Order in Council.	.....	335
			Amended by Bom. 45 of 1947.	16th December 1947.	
			Amended by Bom. 62 of 1947.	29th January 1948.	
			Amended by Bom. 35 of 1948.	16th April 1948.	
1879	VI	The Bombay Port Trust Act, 1879.	Rep. in part by Act 2 of 1901.	22nd February 1901.	467
			Rep. in part by Bom. 3 of 1886 (as amended by Bom. I of 1891).	25th September 1886.	
			Rep. in part and amended by Bom. 1 of 1899.	25th May 1899. 19th November 1891	
			Rep. in part, and amended by Bom. 3 of 1913.	22nd May 1913.	
			Amended by Bom. 1 of 1881.	9th April 1881.	
			Amended by Bom. 3 of 1881.	18th August 1881.	
			Amended by Bom. 3 of 1883.	8th May 1883.	
			Amended by Bom. 6 of 1883.	26th September 1883.	
			Amended by Bom. 3 of 1888.	14th September 1888.	
			Amended by Bom. 2 of 1901.	29th March 1901.	
			Amended by Bom. 1 of 1910.	23rd February 1910.	
			Amended by Bom. 4 of 1910.	8th October 1910.	
			Amended by Bom. 6 of 1914.	24th September 1914.	
			Amended by Bom. 4 of 1917.	17th May 1917.	
			Amended by Bom. 4 of 1919.	14th August 1919.	
			Amended by Bom. 21 of 1920.	13th December 1920.	
			Amended by Bom. 5 of 1923.	9th March 1923.	
			Amended by Bom. 5 of 1924.	5th November 1924.	
			Amended by Bom. 17 of 1925.	9th April 1926.	
			Amended by Bom. 8 of 1926.	25th September 1926.	

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act, in the *Official Gazette*.	Page.
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1879	VI	The Bombay Port Trust Act, 1879—*contd.*	Amended by Bom. 14 of 1927.	23rd December 1927.	467
			Amended by Bom. 16 of 1929.	17th October 1929.	
			Amended by Bom. 5 of 1930.	9th May 1930.	
			Amended by Bom. 12 of 1933.	27th September 1933.	
			Amended by Bom. 9 of 1936.	21st May 1936.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Act 34 of 1939.	28th September 1939.	
			Amended by Act 36 of 1948.	16th April 1948.	
			Amended by Act 27 of 1949.	22nd April 1949.	
			Amended by Act 40 of 1949.	1st May 1949.	
1879	VII	The Bombay Irrigation Act, 1879.	Rep. in part by Act 16 of 1895.	10th October 1895.	513
			Rep. in part by Bom. 3 of 1880.	6th May 1880.	
			Rep. in part by Bom. 3 of 1886.	25th September 1886.	
			Amended by Bom. 1 of 1910.	23rd February 1910.	
			Amended by Bom. 2 of 1914.	23rd July 1914.	
			Amended by Bom. 14 of 1931.	7th October 1931.	
			Amended by Bom. 15 of 1933.	4th October 1933.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 13 of 1947.	21st April 1947.	
			Amended by Bom. 64 of 1948.	6th December 1948.	
1880	I	The Khoti Settlement Act, 1880.	Rep. in part by Bom. 3 of 1886.	25th September 1886.	543
			Rep. in part and amended by Bom. 3 of 1904.	21st June 1904.	
			Rep. in part and amended by Bom. 4 of 1913.	28th May 1913.	
			Rep. in part and amended by Bom. 29 of 1946.	22nd November 1946.	
			Amended by Bom. 8 of 1912.	29th June 1912.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 29 of 1939.	2nd April 1940.	

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1882	VII	The Bombay Landing and Wharfage Fee Act, 1882.	Rep. in part and amended by Act. 16 of 1895. Amended by Bom. 5 of 1916. Amended by Bom. 2 of 1919. Adapted and modified by the Adaptation of Indian Laws Order in Council.	10th October 1895. 10th June 1916. 14th May 1919.	563
1883	I	The Bombay Highway Act, 1883.	Rep. in part by Bom. 3 of 1886 (as amended by Bom. 1 of 1891). Amended by Act 16 of 1895. Adapted and modified by the Adaptation of Indian Laws Order in Council.	25th September 1886. 19th November 1891. 10th October 1895.	569
1883	V	The Bombay Public Authorities Seals Act, 1883.	Rep. in part by Act 16 of 1895. Adapted and modified by the Adaptation of Indian Laws Order in Council.	10th October 1895 ...	575
1886	V	The Bombay Hereditary Offices (Amendment) Act, 1886.	Rep. in part by Act 16 of 1895. Rep. in part and amended locally by Bom. 6 of 1887. Sections 10 and 11 virtually rep. by Bom. 3 of 1910, s. 2. Amended by Bom. 10 of 1923.	10th October 1895 ... 30th January 1888. 1st October 1910 ... 4th October 1923.	579 579
1887	II	The Protection of Pilgrims Act, 1887.	Rep. in part by Act 14 of 1927. Rep. in part by Act 20 of 1932. Amended by Bom. 5 of 1915. Adapted and modified by the Adaptation of Indian Laws Order in Council.	23rd December 1927... 8th October 1932. 12th October 1915.	581
1887	IV	The Bombay Prevention of Gambling Act, 1887.	Rep. in part by Act 16 of 1895. Amended by Bom. 1 of 1890. Amended by Bom. 1 of 1910.	10th October 1895 ... 27th May 1890. 23rd February 1910	587

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1887	IV	The Bombay prevention of Gambling Act, 1887—*contd.*	Amended by Bom. 6 of 1919.	20th January 1920.	587
			Amended by Bom. 5 of 1922.	5th June 1922.	
			Amended by Bom. 5 of 1926.	13th May 1926.	
			Amended by Bom. 14 of 1929.	27th September 1929.	
			Amended by Bom. 3 of 1931.	16th May 1931.	
			Amended by Bom. 12 of 1934.	24th October 1934.	
			Amended by Bom. 1 of 1936.	12th January 1936.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 2 of 1941.	27th February 1941.	
			Amended by Bom. 17 of 1945.	15th August 1945.	
			Amended by Bom. 37 of 1947.	28th November 1947.	
1887	VI	The Matadars Act, 1887.	Amended by Bom. 3 of 1890.	21st August 1890.	597
			Amended by Bom. 3 of 1910.	1st October 1910.	
			Amended by Bom. 3 of 1915.	15th June 1915.	
			Amended by Bom. 8 of 1922.	13th October 1922.	
			Amended by Bom. 24 of 1936.	22nd January 1937.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
1887	VII	The Toda Giras Allowances Act, 1887.	Adapted and modified by the Adaptation of Indian Laws Order in Council.		611
1888	III	The City of Bombay Municipal Act, 1888.	Rep. in part by Act 2 of 1901.	29th March 1901 ...	615
			Rep. in part by Bom. 1 of 1897.	18th March 1897.	
			Rep. in part by Bom. 5 of 1925.	2nd November 1925.	
			Rep. in part by Bom. 8 of 1928.	4th October 1928.	
			Rep. in part by Bom. 15 of 1932.	1st December 1932.	
			Rep. in part and amended by Act 16 of 1895.	10th October 1895.	
			Rep. in part and amended by Bom. 4 of 1888.	20th December 1888.	

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1888	III	The City of Bombay Municipal Act, 1888—contd.	Rep. in part and amended, by Bom. 5 of 1905.	12th December 1905.	615
			Rep. in part and amended, by Bom. 3 of 1907.	16th January 1908.	
			Rep. in part and amended, by Bom. 2 of 1911.	7th June 1911.	
			Rep. in part and amended, by Bom. 6 of 1922.	27th September 1922.	
			Amended by Bom. 1 of 1894.	30th January 1894.	
			Amended by Bom. 2 of 1899.	7th June 1899.	
			Amended by Bom. 2 of 1900.	25th September 1900.	
			Amended by Bom. 2 of 1901.	29th March 1901.	
			Amended by Bom. 5 of 1903.	11th March 1903.	
			Amended by Bom. 1 of 1910.	23rd February 1910.	
			Amended by Bom. 6 of 1913.	2nd October 1913.	
			Amended by Bom. 1 of 1916.	12th February 1916.	
			Amended by Bom. 6 of 1916.	27th September 1916.	
			Amended by Bom. 6 of 1918.	17th September 1918.	
			Amended by Bom. 8 of 1918.	11th November 1918.	
			Amended by Bom. 5 of 1920.	31st May 1920.	
			Amended by Bom. 15 of 1920.	13th December 1920.	
			Amended by Bom. 19 of 1920.	13th December 1920.	
			Amended by Bom. 20 of 1920.	13th December 1920.	
			Amended by Bom. 4 of 1921.	2nd December 1921.	
			Amended by Bom. 7 of 1921.	18th January 1922.	
			Amended by Bom. 1 of 1925.	3rd October 1925.	
			Amended by Bom. 12 of 1925.	27th January 1926.	
			Amended by Bom. 9 of 1928.	10th November 1928.	
			Amended by Bom. 10 of 1928.	6th December 1928.	
			Amended by Bom. 10 of 1930.	22nd May 1930.	
			Amended by Bom. 18 of 1930.	15th September 1930.	
			Amended by Bom. 19 of 1930.	15th September 1930.	
			Amended by Bom. 23 of 1930.	19th September 1930.	

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1888	III	The City of Bombay Municipal Act, 1888—*contd.*	Amended by Bom. 6 of 1931.	23rd May 1931	615
			Amended by Bom. 17 of 1931.	19th November 1931.	
			Amended by Bom. 21 of 1931.	25th November 1931.	
			Amended by Bom. 8 of 1932.	10th November 1932.	
			Amended by Bom. 11 of 1932.	10th November 1932.	
			Amended by Bom. 13 of 1932.	18th November 1932.	
			Amended by Bom. 13 of 1933.	28th September 1933.	
			Amended by Bom. 2 of 1934.	31st March 1934.	
			Amended by Bom. 4 of 1934.	9th May 1934.	
			Amended by Bom. 10 of 1935.	24th August 1935.	
			Amended by Bom. 12 of 1935.	5th September 1935.	
			Amended by Bom. 28 of 1935.	30th November 1935.	
			Amended by Bom. 32 of 1935.	3rd February 1936.	
			Amended by Bom. 10 of 1936.	12th November 1936.	
			Amended by Bom. 12 of 1936.	20th November 1936.	
			Amended by Bom. 13 of 1936.	21st November 1936.	
			Amended by Bom. 24 of 1936.	22nd January 1937.	
			Supplemented by Act 12 of 1888.	12th October 1888.	
			Supplemented by Act 2 of 1889.	15th February 1889.	
			Supplemented by Act 5 of 1890.	15th January 1891.	
			Supplemented by Act 1 of 1898.	3rd June 1898.	
			Supplemented by Act 2 of 1899.	7th June 1899.	
			Supplemented by Bom. Act 15 of 1920.	13th December 1920.	
			Amended by Act 38 of 1920.	14th September 1920.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 2 of 1938.	2nd February 1938.	
			Amended by Bom. 5 of 1938.	16th February 1938.	

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1888	III	The City of Bombay Municipal Act, 1888 —(*contd.*).	Amended by Bom. 13 of 1938.	30th May 1938.	615
			Amended by Bom. 17 of 1938.	27th October 1938.	
			Amended by Bom. 7 of 1939.	13th May 1939.	
			Amended by Bom. 19 of 1939.	22nd September 1939.	
			Amended by Bom. 21 of 1939.	1st November 1939.	
			Amended by Bom. 1 of 1942.	2nd February 1942.	
			Amended by Bom. 8 of 1942.	2nd April 1942.	
			Amended by Bom. 2 of 1943.	5th March 1943.	
			Amended by Bom. 9 of 1945.	26th April 1945.	
			Amended by Bom. 12 of 1945.	8th May 1945.	
			Amended by Bom. 1 of 1946.	22nd January 1946.	
			Amended by Bom. 4 of 1947.	22nd March 1947.	
			Amended by Bom. 12 of 1947.	19th April 1947.	
			Amended by Bom. 20 of 1947.	1st May 1947.	
			Amended by Bom. 21 of 1947.	3rd May 1947.	
			Adapted by the India (Adaptation of Existing Indian Laws) Order, 1947.		
			Amended by Bom. 3 of 1948.	11th March 1948.	
			Amended by Bom. 8 of 1948.	19th March 1948.	
			Amended by Bom. 48 of 1948.	30th September 1948.	
			Amended by Bom. 69 of 1948.	30th December 1948.	
			Amended by Bom. 76 of 1948.	31st December 1948.	
1888	VI	The Gujarat Taluqdars' Act, 1888.	Repealed in part by Act 16 of 1895.	10th October 1895.	949
			Repealed in part and amended by Bom. 4 of 1913.	28th May 1913.	
			Amended by Bom. 2 of 1905.	28th June 1905.	
			Amended by Bom. 1 of 1910.	23rd February 1910.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		

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1889	I	The Bombay Village Sanitation Act, 1889.	Amended by Bom. 3 of 1915.	15th June 1915.	969
			Amended and repealed in part by Bom. 25 of 1931.	11th December 1931.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
1890	IV	The Bombay District Police Act, 1890.	Rep. in part by Act 16 of 1895.	10th October 1895.	987
			Rep. in part and amended by Act 38 of 1920.	14th September 1920.	
			Do. do. Bom. 1 of 1910.	23rd February 1910.	
			,, ,, Bom. 4 of 1912.	13th June 1912.	
			,, ,, Bom. 5 of 1913.	31st May 1913.	
			,, ,, Bom. 2 of 1919.	14th May 1919.	
			Amended by Bom. 3 of 1898.	3rd August 1898.	
			Amended by Bom. 3 of 1915.	15th June 1915.	
			Amended by Bom. 9 of 1918.	11th November 1918.	
			Amended by Bom. 12 of 1920.	9th December 1920.	
			Amended by Bom. 19 of 1925.	25th January 1927.	
			Amended by Bom. 11 of 1927.	13th December 1927.	
			Amended by Bom. 24 of 1930.	17th September 1930.	
			Amended by Bom. 9 of 1931.	2nd September 1931.	
			Amended by Bom. 16 of 1931.	17th November 1931.	
			Amended by Bom. 7 of 1933	18th September 1933.	
			Amended by Bom. 21 of 1933.	27th October 1933.	
			Amended by Bom. 13 of 1934.	31st October 1934.	
			Amended by Bom. 20 of 1935.	1st October 1935.	
			Amended by Bom. 24 of 1935.	11th October 1935.	
			Amended by Bom. 6 of 1936.	26th March 1936.	
			Amended by Bom. 21 of 1936.	12th December 1936.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
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1890	IV	The Bombay District Police Act, 1890 —(*contd*).	Amended by Bom. 3 of 1939.	23rd March 1939.	987
			Amended by Bom. 13 of 1941.	2nd September 1941.	
			Amended by Bom. 2 of 1944.	18th March 1944.	
			Amended by Bom. 17 of 1945.	15th August 1945.	
			Amended by Bom. 23 of 1945.	20th February 1946.	
			Amended by Bom. 16 of 1946.	30th September 1946.	
			Amended by Bom. 28 of 1946.	20th November 1946.	
			Amended by Bom. 6 of 1947.	23rd March 1947.	
			Amended by Bom. 59 of 1947.	20th January 1948.	
			Amended by Bom. 34 of 1948.	16th April 1948.	
			Amended by Bom. 63 of 1948.	6th December 1948.	
			Amended by Bom. 25 of 1949.	20th May 1949.	
1890	V	The Bombay Municipal Servants Act, 1890.	Adapted and modified by the Adaptation of Indian Laws Order in Council.		1035
1892	I	The Bombay District Vaccination Act, 1892.	Rep. in part by Act 16 of 1895. Adapted and modified by the Adaptation of Indian Laws Order in Council.	10th October 1895.	1041
1894	II	The Peint Laws Act, 1894.	Adapted and modified by the Adaptation of Indian Laws Order in Council.		1055
1897	III	The Female Infanticide Prevention (Amendment) Act, 1897.	Adapted and modified by the Adaptation of Indian Laws Order in Council.		1059

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1898	I	The City of Bombay Municipal Investments Act, 1898.	.....	.....	1061
1901	III	The Bombay District Municipal Act, 1901.	Rep. in part by Bom. 1 of 1910.	23rd February 1910.	1065
			Rep. in part by Bom. 11 of 1923.	27th October 1923.	
			Rep. in part by Bom. 5 of 1925.	2nd November 1925.	
			Rep. in part by Bom. 15 of 1932.	1st December 1932.	
			Rep. in part by Bom. 17 of 1933.	14th October 1933.	
			Rep. in part and amended by Bom. 3 of 1903.	11th June 1903.	
			Rep. in part and amended by Bom. 4 of 1904.	4th November 1904.	
			Amended by Act 38 of 1920.	14th September 1920.	
			Amended by Bom. 3 of 1902.	6th June 1902.	
			Amended by Bom. 10 of 1912.	30th August 1912.	
			Amended by Bom. 8 of 1914.	28th October 1914.	
			Amended by Bom. 3 of 1915.	15th June 1915.	
			Amended by Bom. 6 of 1917.	19th September 1917.	
			Amended by Bom. 6 of 1918.	17th September 1918.	
			Amended by Bom. 2 of 1919.	14th May 1919.	
			Amended by Bom. 3 of 1920.	31st May 1920.	
			Amended by Bom. 4 of 1924.	6th October 1924.	
			Amended by Bom. 15 of 1925.	27th January 1926.	
			Amended by Bom. 20 of 1929.	20th December 1929.	
			Amended by Bom. 4 of 1930.	28th April 1930.	
			Amended by Bom. 25 and 26 of 1930.	17th September 1930. 23rd September 1930.	
			Amended by Bom. 12 of 1931.	26th September 1931.	
			Amended by Bom. 23 of 1931.	3rd December 1931.	

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1901	III	The Bombay District Municipal Act, 1901 —*contd.*	Amended by Bom. 14 of 1934.	10th November 1934.	
			Amended by Bom. 9 of 1935.	20th May 1935.	
			Amended by Bom. 34 of 1935.	6th February 1936.	
			Amended by Bom. 11 of 1936.	12th November 1936.	
			Amended by Bom. 14 of 1936.	26th November 1936.	
			Amended by Bom. 15 of 1936.	27th November 1936.	
			Amended by Bom. 24 of 1936.	22nd January 1937.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 9 of 1938.	12th May 1938.	
			Amended by Bom. 8 of 1939.	15th May 1939.	
			Amended by Bom. 17 of 1945.	15th August 1945.	
			Amended by Bom. 22 of 1945.	17th January 1946.	
			Amended by Bom. 7 of 1946.	28th March 1946.	
			Amended by Bom. 1 of 1947.	18th March 1947.	
			Amended by Bom. 2 of 1947.	18th March 1947.	
1901	VI	The Bombay Land Revenue Code Amendment Act, 1901.	.....	.....	1195
1902	IV	The City of Bombay Police Act, 1902.	Rep. in part by Bom. I of 1910.	23rd February 1910.	1197
			Rep. in part and amended by Bom. 2 of 1917.	7th February 1917.	
			Rep. in part and amended by Bom. 11 of 1923.	27th October 1923.	
			Amended by Act—38 of 1920.	11th September 1920.	
			Amended by Bom. 4 of 1905.	6th October 1905.	
			Amended by Bom. 5 of 1913.	31st May 1913.	
			Amended by Bom. 3 of 1915.	15th June 1915.	
			Amended by Bom. 6 of 1920.	10th June 1920.	
			Amended by Bom. 18 of 1920.	13th December 1920.	
			Amended by Bom. 5 of 1921.	8th December 1921.	
			Amended by Bom. 12 of 1926.	20th October 1926.	

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1902	IV	The City of Bombay Police Act, 1902—*contd.*	Amended by Bom. 11 of 1928.	11th January 1929.	1197
			Amended by Bom. 21 of 1930.	15th September 1930.	
			Amended by Bom. 21 of 1933.	27th October 1933.	
			Amended by Bom. 20 of 1935.	20th January 1936.	
			Amended by Bom. 1 of 1936.	12th March 1936.	
			Amended by Bom. 21 of 1936.	12th December 1936.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 14 of 1938.	10th June 1938.	
			Amended by Bom. 13 of 1941.	2nd September 1941.	
			Amended by Bom. 3 of 1942.	6th March 1942.	
			Amended by Bom. 17 of 1945.	15th August 1945.	
			Amended by Bom. 23 of 1945.	20th February 1946.	
			Amended by Bom. 15 of 1946.	30th September 1946.	
			Amended by Bom. 28 of 1946.	20th November 1946.	
			Amended by Bom. 6 of 1947.	23rd March 1947.	
			Amended by Bom. 59 of 1947.	20th January 1948.	
			Amended by Bom. 34 of 1948.	16th April 1948.	
			Amended by Bom. 63 of 1948.	6th December 1948.	
			Amended by Bom. 25 of 1949.	20th May 1949.	
1904	I	The Bombay General Clauses Act, 1904.	Amended by Bom. 4 of 1905.	6th October 1905 ...	1263
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 17 of 1945.	15th August 1945.	
			Amended by Bom. 5 of 1948.	13th March 1948.	
1905	I	The Bombay Court of Wards Act, 1905.	Amended by Bom. 1 of 1910.	23rd February 1910.	1279
			Amended by Bom. 2 of 1913.	22nd May 1913.	

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1905	I	The Bombay Court of Wards Act, 1905—*Contd.*	Amended by Bom. 7 of 1934.	1st October 1934.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 17 of 1945.	15th August 1945.	
			Amended by Bom. 21 of 1949.	12th May 1949.	
1906	II	The Mamlatdars' Courts Act, 1906.	Amended by Bom. 7 of 1926 (when notified);	21st August 1926 ...	1297
			Amended by Bom. 11 of 1928.	14th January 1929.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 24 of 1942.	31st December 1942.	
1909	III	The Prince of Wales Museum Act, 1909.	Amended by Bom. 7 of 1913.	4th October 1913 ...	1309
			Amended by Bom. 6 of 1921.	28th December 1921.	
			Amended by Bom. 12 of 1922.	28th December 1922.	
			Amended by Bom. 7 of 1924.	25th November 1924.	
			Amended by Bom. 19 of 1933.	27th October 1933.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
1912	II	The Societies' Registration (Amendment) Act, 1912.	Short title given by Bom. 2 of 1921.	21st June 1921 ...	1319
1912	III	The Bombay Race-courses Licensing Act, 1912.	Amended by Bom. 4 of 1931.	23rd May 1931 ...	1321
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 10 of 1938.	16th May 1938.	
1912	VI	The Bombay Medical Act, 1912.	Amended by Bom. 9 of 1912.	14th August 1912. ...	1325
			Amended by Bom. 4 of 1918.	10th September 1918.	
			Amended by Bom. 12 of 1929.	26th September 1929.	
			Rep. in part and amended by Bom. 3 of 1916.	11th March 1916.	
			Rep. in part and amended by Bom. 4 of 1916.	10th June 1916.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1912	VII	The Bombay Smoke-nuisances Act, 1912.	Rep. in part by Act 8 of 1920. Amended by Bom. 10 of 1924. Amended by Bom. 10 of 1929. Amended by Bom. 8 of 1935. Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom. 17 of 1945.	4th March 1920 6th January 1925. 24th September 1929. 11th May 1935. 15th August 1945.	1335
1912	XII	The Bombay Abkari (Amendment) Act, 1912.	Short title given by Bom. 2 of 1921.	21st June 1921	1343
1912	XIII	The Indian Limitation (Amendment) Act, 1912.	.....	.....	1345
1913	IV	The Bombay Land Revenue (Amendment) Act, 1913.	.....	.....	1349
1913	VII	The Prince of Wales Museum (Amending) Act, 1913.	.....	.....	1351
1915	I	The Bombay Town Planning Act, 1915.	Rep. in part and amended by Bom. 2 of 1919. Amended by Bom. 1[illegible] of 1920. Amended by Bom. 1[illegible] of 1920. Adapted and modified by the Adaptation of Indian Laws Order in Council. Amended by Bom. 21 of 1938. Amended by Bom. 4 of 1942. Amended by Bom. 14 of 1946. Amended by Bom. 55 of 1948. Amended by Bom. 69 of 1948. Amended by Bom. 13 of 1949.	14th May 1919 9th December 1920. 13th December 1920. 29th November 1938. 10th March 1942. 13th July 1946. 19th November 1948. 30th December 1948. 2nd May 1949.	1353
1915	III	The Bombay Decentralization Act, 1915.	Rep. in part by Bom. 7 of 1920. Rep. in part by Act 3 of 1937.	17th June 1920 4th March 1937.	1379

Year.	No.	Short title or subject.	Whether repealed or otherwise affected by legislation.	Date of publication of the Act in the *Official Gazette*.	Page.
1	2	3	4	5	6
1915	IV	The Bombay City Survey Act, 1915.	Adapted and modified by the Adaptation of Indian Laws Orders in Council.	....	1331
			Amended by Bom. 17 of 1945.	15th August 1945.	
1918	VI	The Bombay Disqualification of Aliens Act, 1918.	Rep. in part by Act 38 of 1920.	14th September 1920.	1337
			Amended by Bom. 4 of 1920.	31st May 1920.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
1920	VII	The Bombay Public Conveyances Act, 1920.	Amended by Bom. 2 of 1924.	11th January 1924.	1391
			Amended by Bom. 11 of 1924.	6th January 1925.	
			Amended by Bom. 7 of 1928.	4th October 1928.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 18 of 1943.	21st January 1944.	
			Amended by Bom. 17 of 1945.	15th August 1945.	
			Amended by Bom. 18 of 1948.	24th March 1948.	
1920	XV	The City of Bombay Primary Education Act, 1920.	Adapted and modified by the Adaptation of Indian Laws Order in Council.	....	1403
1920	XVII	The Bombay Pleaders Act, 1920.	Rep. in part by Act 21 of 1926.	25th March 1926.	1409
			Rep. in part by Act 22 of 1926.	25th March 1926.	
			Amended by Bom. 11 of 1928.	11th January 1929.	
			Amended by Bom. 6 of 1929.	22nd May 1929.	
			Amended by Bom. 18 of 1931.	19th November 1931.	
			Adapted and modified by the Adaptation of Indian Laws Order in Council.		
			Amended by Bom. 17 of 1945.	15th August 1945.	

BOMBAY REGULATION II OF 1827.[1]

[*1st January 1827.*]

Repealed in part by Act 1 of 1846;
" " " " " 10 of 1861;
" " " " " 10 of 1873;
" " " " " 12 of 1873;
" " " " " 12 of 1876;
" " " " " 18 of 1879;
(as amended by Act 1 of 1903);
" " " " Bom. 6 of 1866; (locally) by Act 14 of 1869; and amended by Act 16 of 1895.

Repealed excepting part of section 21 by Bom. 17 of 1920.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and offices thereof.

PREAMBLE. *Rep. Act XIV of 1869.*

CHAPTER I.

[*Supreme Court of Sadr Adálat.*]

to 15. *Rep. Act XII of 1873.*

CHAPTER II.

OF ZILA COURTS INCLUSIVE OF THE SUBSIDIARY COURTS OF THE ASSISTANT JUDGES.

16 to 20. [*Appointment of Judge; his Court; his seal; his oath; acting Judge.*] *Rep. Act XIV of 1869.*

21. *First.—The jurisdiction of the Civil Court shall extend to the cognizance of all original suits and complaints between Natives and others not British-born subjects, respecting the right to moveable or immovable property, rents, Government-revenues, debts, contracts, marriage, succession, damages for injuries and generally of all suits and complaints of a civil nature*[2]; it being understood that no interference on the part of the Court in caste-questions is hereby warranted, beyond the admission and trial of any suit instituted for the recovery of damages on account of an alleged injury to the caste and character of the plaintiff, arising from some illegal act or unjustifiable conduct of the other party. Caste. questions.

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[1] Sections 21, 47 to 54 and 56 of Bom. Reg. 2 of 1827 were declared by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, in force throughout the Province of Bombay, except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs:—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

So much of Bom. Reg. 2 of 1827 as had not already been repealed (excepting the part of section 21 which prohibits interference of the Civil Courts in caste questions) was repealed in the whole of the Province of Bombay by Bom. 17 of 1920, s. 34 and Sch. I.

[2] S. 21, *clause* first (except so much as prohibits interference of the Civil Courts in caste-questions), was repealed by Act 10 of 1861 and Act 14 of 1869.

Second to Seventh.—[*Provisoes as to admission of suits; jurisdiction over British-born subjects.*] *Rep. Acts X of 1861 and XIV of 1869.*

22 to 33. [*Jurisdiction; superintendence of inferior Courts; complaints against public officers; control of civil jail; subordination to higher Courts; appointment of Judges; oaths; duties; law officers; nazir; sherishtadar; record-keeper; administration of oaths.*] *Rep. Act XIV of 1869.*

CHAPTERS III AND IV.

[*Appointment, Removal and Punishment of Officers of Courts; Courts of Commissioners for deciding civil suits.*]

34 to 44. *Rep. Act XIV of 1869.*

CHAPTER V.

[*Courts for Recovery of Debts due by British Subjects.*]

45, 46. *Rep. Act X of 1861.*

CHAPTER VI.

OF PLEADERS.[1]

Authorized pleaders to hold sanads.

47. *First.*—Natives or others may be authorized to practise in each Court as pleaders (vakils)[2] in behalf of parties in any judicial proceeding, being qualified by sanad according to the rules in the succeeding section.

Persons allowed to act.

Second.—No person shall be allowed to act in any such proceeding except such pleaders, or the parties themselves or their recognized agents * * *[3].

Third.—[*Exception as to Court of Commissioner.*] *Rep. Act I of 1846.*

Government pleader may hold general vakalátnáma.

Fourth.—In matters to which [4][the Crown or the Federal Railway Authority] is a party, it shall be lawful for a pleader to act on a general vakalátnáma, to be issued by the officer under whose control the said matters are conducted, provided a duplicate be deposited in the Zila Court of the district in which he practises.

Number of pleaders unlimited.

48. *First.*—The number of pleaders shall not be limited, but any person duly qualified and of unexceptionable character shall be entitled to a sanad of appointment.[2]

Second.—[*Qualifications; appointment how made.*] *Rep. Act I of 1846.*

Sanads to be furnished.

Third.—Each pleader, on being found qualified, shall be furnished with a sanad, under the seal of the Court of Sadr Diwáni Adálat, in the form of Appendix J[2].

Practice of pleaders how regulated.

49. The pleaders in the Zila Courts shall practise each in such particular Court or Courts as may be assigned to them by the Zila Judge, or indiscriminately in all the Courts of the respective Zila, if it be not found necessary to appropriate the pleaders to particular Courts.

Pleader to file vakálatnáma.

50. *First.*—A pleader shall not be allowed to act in any suit or proceeding until he has obtained from the party, and filed in Court, a power-of-attorney (vakálatnáma), according to the form contained in Appendix K, appointing him pleader in the cause.

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[1] See also ss. 13 [except clauses (*a*), (*b*), (*c*), (*d*) and (*f*)], 34, 36 and 40 of the Legal Practitioners Act, 1879 (18 of 1879), which have been extended to the Province of Bombay.

[2] *Cf.* Act 1 of 1846, ss. 4 and 5.

[3] Portion repealed by Act 12 of 1873 is omitted.

[4] The words "the Crown or the Federal Railway Authority" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Second.—If a party engages a pleader to act in his behalf, he shall present him with eight annas as a retaining fee, for which the pleader shall grant him a written acknowledgment, specifying the date of payment; and, if the said retaining fee be not offered, the pleader shall demand it, and abstain from all proceeding until it be delivered[1]. Retaining fee to be paid to pleader.

Third.—If, after receiving the retaining fee, a pleader shall engage with, or act for, the other party, or refuse or omit to act on behalf of his client, he may be punished by a fine not exceeding rupees five hundred; or, if the matter in litigation be less than rupees two hundred and fifty, then not exceeding twice the amount of the sum in dispute between the parties; or, if the circumstances are of an aggravated nature, may be suspended or dismissed [2]* * *. Penalty for failure to perform engagement.

Fourth.—The fine may be inflicted by the Court in which the suit relative to which the failure of duty occurred may be pending [3]* * * * *. Court empowered to fine.

51. *First.*—[*Representative character of pleader.*] *Rep. Act X of 1861.*

Second.—It shall be incumbent on a pleader, at the time of receiving any accounts, writings or documents from his client, to give a written receipt for them, and to restore them when required, under penalty of a fine not exceeding rupees one hundred, to be levied under the [4]* * * last clause of the preceding section; or, if the circumstances be of an aggravated nature, of suspension or[5] [dismissal] [6]* * *. Pleader to give receipts to client for papers and to return them when required. Penalty for misconduct.

[7]**52.** *First.*—Each pleader employed in prosecuting or defending an original suit shall be entitled to a percentage on the amount sued for, according to the rates specified in Appendix L, as a remuneration for his trouble in acting in behalf of his client, until the decree in the suit is passed, and thereafter until such decree is fulfilled. Fees in original suits.

Second.—The remuneration to a pleader employed in prosecuting or defending an appeal, regular or special, shall be the same as is above prescribed in the case of an original suit. In Appeals.

Third.—The above rules shall not prevent an express agreement being entered into between pleader and client, for either a larger or smaller sum than the established fee. Private agreement not barred.

Fourth.—But, if a larger sum than was agreed for between a pleader and client is awarded in costs against the other party, the pleader, notwithstanding his agreement with his own client, shall be entitled to the excess when recovered. Pleader to have excess when costs awarded against other party exceed amount agreed upon.

Fifth.—[*Recovery of fees.*] *Rep. Act. XII of 1873.*

53. *First.*—[*Half-fees.*] *Rep. Act XII of 1873.*

Second.—Either party may engage two or more pleaders to conduct his suit or defence, but the party found liable in costs will not be answerable for more than the established fee of one pleader on behalf of the other party. Several pleaders may be engaged, but without prejudice to opposite party.

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[1] *Cf.* Act 1 of 1846, ss. 7 and 8.

[2] The words and figures "under the rules contained in section 56 of this Regulation" were repealed by the Amending Act, 1895 (16 of 1895).

[3] Words repealed by Act 12 of 1873 are omitted. *Cf.* Act 1 of 1846, ss. 10 and 12.

[4] The words "rules contained in the" were repealed by the Amending Act, 1895 (16 of 1895).

[5] The word "dismissal" was substituted for the word "dismission", *ibid.*

[6] The words and figures "according to section 56 of this Regulation" were repealed, *ibid.*

[7] S. 52 is modified by ss. 6 and 7 of Act 1 of 1846.

Client may withdraw his vakalatnáma, but pleader not to withdraw without his consent or order of Court.

Third.—It shall be competent to a party at any time to withdraw the authority vested in a pleader to act in his behalf, on giving the Court notice in writing to that effect; but it shall not be competent to a pleader to withdraw from acting in behalf of his client without his consent or the special permission of the Court.

Fourth.—[*Fees in certain cases.*] *Rep. Act XII of 1873.*

Pleader's absence to be reported. Penalty for absence without notice.

54. *First.*—If a pleader is unable to attend the Court in consequence of indisposition or other necessary cause, he shall notify the same to the Court in writing, in which case proceeding in the suit shall be stayed for such time as the Court deems reasonable, to enable the party to transfer by endorsement or otherwise his power-of-attorney (either temporarily or until the suit is determined) to another pleader; and any pleader absenting himself without written notice as above prescribed may be punished by fine not exceeding rupees one hundred, to be adjudged by the Court in which the failure of duty occurred, and levied as the amount of a decree by the same [1]* * * *.

Stay of proceedings on resignation or death.

Second.—In case of the resignation, dismissal or death of a pleader, proceedings in the suit shall in like manner be stayed [1]* * * *.

55. [*Fees in certain cases.*] *Rep. Act I of 1846.*

Pleaders liable to suspension or dismissal without prejudice to private action for damages.

56. A pleader accused of a criminal offence, or guilty of misbehaviour or neglect of duty, shall be liable to be suspended or dismissed [2]* * *; but nothing herein contained shall prevent a party from instituting an action for damages against his pleader, when he may consider himself injured by his acts or omissions.

APPENDICES A TO I.

[*Rep. Acts XII of 1876, X of 1873, XII of 1873 and VI of 1866.*]

APPENDIX J.

(*See section 48, clause third.*)

FORM OF SANAD GRANTED TO A PLEADER.

To *A. B.*, inhabitant of—.

In conformity with the provisions of Regulation II, A. D. 1827, you, A. B., are hereby appointed to the office of Pleader in the Court of—; you will not be liable to be removed from your situation during your good behaviour, while you discharge your duty with zeal and integrity, under the rules contained in the Regulations which now are or hereafter may be in force.

By order of the Sadr Diwáni Adálat.

(*Signed by the Registrar.*)

[1] Words repealed by Act 12 of 1873 are omitted.

[2] The words and figures "under the rules regarding Commissioners, contained in the third clause of section 38 of this Regulation" were repealed by the Amending Act, 1895 (16 of 1895).

APPENDIX K.

(*See section 50, clause first.*)

FORM OF POWER-OF-ATTORNEY TO ENABLE A PLEADER TO ACT IN A SUIT.

IN THE COURT OF———

Suit for Rs.————

————*Plaintiff.*

against

————*Defendant.*

I————plaintiff (*or* defendant, *as the case may be*) do hereby authorize ————to appear and act as Pleader for me in the above suit.

Witness my hand, this————day of————, 19——.

(*Signed or the mark of*) { The Plaintiff *or* Defendant.

APPENDIX L.

(*See section 52, clause first.*)

STATEMENT SHOWING THE FEES TO WHICH PLEADERS ARE ENTITLED FOR ACTING THROUGHOUT ORDINARY SUITS WHEN THERE IS NO SPECIFIC AGREEMENT.

The pleader's fee is	in suits for not more than Rs. 2,000	... three per cent.
	in suits for from Rs. 2,000 to 10,000 inclusive— on Rs. 2,000 as above, and on the remainder	... two per cent.
	in suits for from Rs. 10,000 to 20,000 inclusive— on Rs. 10,000 as above, and on the remainder	... one per cent.
	in suits for more than Rs. 20,000— on that sum as above, and on the remainder	... half per cent.

BOMBAY REGULATION IV OF 1827.[1]

[*1st January 1827.*]

Repealed in part, by Act 10 of 1861 ;
" " " " " 17 of 1862 ;
" " " " " 6 of 1874 ;
" " " (locally), by Act 14 of 1869 ;
" " " (locally), by Bom. 5 of 1879.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation prescribing the forms of proceeding of the Courts of Law in civil suits and appeals, and rules for the trial of the same.

PREAMBLE. *Rep. Act X of 1861, and again by Act XIV of 1869.*

1 to 25. *Rep. Act X of 1861 and XIV of 1869.*

Law to be observed by Courts.

26. The law to be observed in the trial of suits shall be Acts of Parliament and [2][Indian laws] applicable to the case, in the absence of such Acts and Regulations, the usage of the country in which the suit arose ; if none such appears, the law of the defendant ; and, in the absence of specific law and usage, justice, equity, and good conscience alone.

27 to 100. *Rep. Acts X of 1861 ; XVII of 1862 ; XIV of 1869 ; VI of 1874 ; and 2nd and 3rd clauses of s. 69 (locally), Bom. 5 of 1879.*

APPENDICES A TO S.

[*Rep. Act X of 1861.*]

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[1] S. 26 *and s. 69, cls.* second *and* third, of Bom. Reg. 4 of 1827 were declared by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay, except as regards the Scheduled Districts.

[2] The words "Indian Laws" were substituted for the words "Regulations of Government" by the Adaptation of Indian Laws Order in Council.

BOMBAY REGULATION V OF 1827.[1]

[*1st January 1827.*]

Repealed in part, by Act 28 of 1855 ;
" " " " " 9 of 1871 ;
" " " " " 12 of 1873 ;
" " " " " 12 of 1876 ;
" " " " " 4 of 1894 ;
" " " (locally), by Act 17 of 1879, s. 12 ;
" " " (locally), by Act 4 of 1882.

A Regulation [2]* * * * * containing rules of judication respecting written acknowledgments of debts executed without receipt of a full consideration, also regarding [2]* * the tendering payment of debts, and the disposal of property mortgaged or pledged.

[3]* * * * * * WHEREAS justice, the interests of trade, and the easy and secure transaction of money-dealings require that the effect of written acknowledgments of debts, when the receipt of a full consideration is contested, should be defined and made known, and that certain provisions should be framed [3]* * * * for determining the effects of tenders of payment, and the rights of parties concerned in property mortgaged or pledged ; Preamble.

the following rules have therefore been enacted [3]* * * * *

CHAPTER I.

[*Limitation.*]

1 to 8. *Rep. Act IX of 1871.*

CHAPTER II.

OF ACKNOWLEDGMENTS OF DEBTS EXECUTED WITHOUT RECEIPT OF A FULL CONSIDERATION IN VALUE.

9. [4]*First.*—Written acknowledgments of debt in any shape shall not be held conclusive in a Court of Law as to the amount, if the defendant show that a full consideration has not been received. Proof of amount of debt.

Second.—And in the case of a cultivator of the soil, sued upon a written acknowledgment executed at a place which was not at the time of such execution under British jurisdiction, if the circumstances are such as to convince the Court that the Proof in case of cultivator sued on writing executed out of British jurisdiction.

[1] The Preamble and ss. 9, 14 and 15 of Bom. Reg. 5 of 1827 were declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay, except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

[2] The words "defining the limitations, as to time, within which civil actions may be prosecuted and" and the word "interest" were repealed by the Repealing Act, 1876 (12 of 1876).

[3] The words "Whereas it is conducive to the public security and the quieting of disputes, that limitations should be prescribed to the period within which civil suits may be instituted and", the words "for the calculation of the interest of money, and for limiting the amount thereof and", and the words "to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose" were repealed by the Repealing Act, 1873 (12 of 1873).

[4] S. 9, *clause first*, is repealed, locally, so far as regards any suit to which section 12 of the Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879), applies—*see* Act 17 of 1879, s. 12 (to be read with s. 1).

creditor might reasonably be expected to possess other proof of the amount besides such written acknowledgment (the consideration received for the same being contested) then the said writing shall not be held conclusive as to the amount, whether the defendant prove a deficiency in the consideration or not, but the Court shall pass a decree for only such amount as the claimant may otherwise prove to be due.

CHAPTER III.

[*Rate and continuance of Interest.*]

10 to 12. *Rep. Act XXVIII of 1855.*

13. *Rep. Act XII of 1873.*

CHAPTER IV.

HOW A CLAIM TO INTEREST IS AFFECTED BY TENDER OF PAYMENT.

Interest ends upon tender made.

14. If a debtor can prove that he has tendered to a creditor the whole or any portion of the amount due, all further interest shall cease on the amount tendered.

CHAPTER V.

OF THE DISPOSAL OF PROPERTY MORTGAGED OR PLEDGED.

[1]**15.** *First.*—When a creditor is placed in possession of property by mortgage or otherwise, as security for a debt, his claim over such property shall, in the absence of other special agreement, constitute his sole security for payment of the debt, or such part of it as the said property may have been given in security for, and interest thereon is to be considered as included in the said security.

Second.—If the property yield profit, and no stipulation has been made respecting the disposal of the said profit, or payment of interest on the debt, the profit shall be considered as equivalent for the interest.

Third.—In the absence of any special agreement, or recognised law or usage to the contrary, either party may at any time, by the institution of a civil suit, cause the property to be applied to the liquidation of the debt, the surplus, if any, being restored to the owner.

APPENDICES A AND B.

[*Rep. Acts XII of 1873 and IV of 1894, respectively.*]

[1]S. 15 is repealed by the Transfer of Property Act, 1882 (4 of 1882), in the whole of the Province of Bombay other than the Scheduled Districts, i.e. the villages belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi.
(2) The Parvi of Naf.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

See Notification No. 5947, dated the 27th October 1892, *Bombay Government Gazette*, 1892, Pt. I, p. 1071.

BOMBAY REGULATION VIII OF 1827.[1]

[*1st January 1827.*]

Repealed in part, by Act 12 of 1873.

Application of s. 10 restricted (locally), by Bom. 4 of 1890, sec. 58 (*3*).

Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation to provide for the formal recognition of heirs, executors and administrators, and for the appointment of administrators and managers of property by the Courts.

WHEREAS, at the same time that it is in general desirable that the heirs, executors or legal administrators of persons deceased should, unless their right is disputed, be allowed to assume the management or sue for the recovery for property belonging to the estate, without the interference of Courts of justice, it is yet in some cases necessary or convenient that such heirs, executors or administrators, in order to give confidence to persons in possession of, or indebted to, the estate to acknowledge and deal with them, should obtain a certificate of heirship, executorship, or administratorship, from the Zila Court; Preamble.

And whereas, whenever there is no person on the spot entitled or willing to take charge of the property of a person deceased, or when the right of succession is disputed between two or more claimants, none of whom has taken possession or where the heirs are incompetent to the management of their affairs and have no near relations entitled and willing to take charge on their behalf, or where a person possessed of property dies intestate and without known heirs, it is essential that the Zila Court should appoint an administrator for the management of the estate; the following rules are therefore enacted [2]* * * * *.

CHAPTER I.

RULES FOR THE RECOGNITION OF HEIRS, EXECUTORS AND ADMINISTRATORS WHEN THERE IS A COMPETENT CLAIMANT.

1. Whenever a person dies leaving property, whether moveable or immovable, the heir or executor, or legal administrator, may assume the management, or sue for the recovery, of the property, in conformity with the law or usage applicable to the disposal of the said property, without making any previous application to the Court to be formally recognized. Legal heir, etc., of person deceased competent to represent him without recognition from Court.

[1] Bom. Reg. 8 of 1827 was declared by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, i.e., the village belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

As to Court-fees on certificates granted under this Regulation, *see* clause (*viii*) of s. 19, and article 12A of Sch. I of the Court-fees Act, 1870 (7 of 1870).

As to the application of certain provisions of the Indian Succession Act, 1925 (39 of 1925), to certificates granted under this Regulation, to applications made for such certificates and to the exhibition of inventories and accounts by holders of such certificates, *see* s. 390 of Act 39 of 1925.

The grant of probate or letters of administration under the Indian Succession Act, 1925 (39 of 1925), in respect of an estate supersedes any certificate previously granted under Part X of the said Act or under the Succession Certificate Act, 1889 or Bombay Regulation No. VIII of 1827, in respect of any debts or securities included in the estate, *see* sec. 215 of Act 39 of 1925.

As to grant of certificate under the Indian Succession Act, 1925 (39 of 1925), on production of a certificate granted under this Regulation, *see* s. 214 of that Act.

[2] The words "to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose" were repealed by the Repealing Act, 1873 (12 of 1873).

But if such recognition requested,

proclamation will be issued.

2. *First.*—But if an heir, executor or administrator is desirous of having his right formally recognized by the Court, for the purpose of rendering it more safe for persons in possession of, or indebted to, the estate to acknowledge and deal with him, the Judge, on application, shall issue a proclamation, in the form contained in Appendix A, inviting all persons who dispute the right of the applicant to appear in the Court within one month from the date of the proclamation and enter their objections, and declaring that, if no sufficient objection is offered, the Judge will proceed to receive proof of the right of the applicant, and, if satisfied, grant him a certificate of heirship, executorship or administratorship.

Second.—[*Publication of proclamation.*] *Rep. Act XII of 1873.*

If no objection appears, recognition to be granted.

3. If, at the expiration of the time mentioned in the proclamation, no sufficient objection has been made, the Court shall forthwith receive such proof as may be offered of the right of the person making the claim, and, if satisfied, shall grant a certificate in the form contained in Appendix B, declaring him the recognized heir, executor or administrator of the deceased.

Objection appearing, to be examined,

and recognition given or refused accordingly.

4. *First.*—If, before the expiration of the time, any objection is made to the right of the person claiming as heir, executor or administrator, the Judge, on a day to be fixed (of which at least eight days' previous notice shall be given to the parties, shall summarily investigate the grounds of the objections on the one hand, and of the right claimed on the other, examining such witnesses or other evidence as may be adduced by the parties, and either grant or refuse a certificate, as the circumstances of the case may require.

If question is complicated or difficult, matter to be left for adjudication.

Second.—But if from the evidence adduced, it appears that the question at issue between the parties is of a complicated or difficult nature, the Judge may suspend proceedings in the application for a certificate until the question has been tried by a regular suit instituted by one of the parties.

Authenticity of wills and recognitions how certified.

5. Whenever an executor is formally recognised, under the rule contained in section 4, the authenticity of the will, if any, by which he is appointed, shall be proved; and the certificate of executorship shall be endorsed thereon.

6. [*Wills and recognitions to be registered.*] *Rep. Act XII of 1873.*

Recognized heirs, etc., competent to manage property.

7. *First.*—An heir, executor or administrator, holding the proper certificate, may do all acts and grant all deeds competent to a legal heir, executor or administrator, and may sue and obtain judgment in any Court in that capacity.

But recognition gives no title to property,

Second.—But, as the certificate confers no right to the property, but only indicates the person who, for the time being, is in the legal management thereof, the granting of such certificate shall not finally determine nor injure the rights of any person; and the certificate shall be annulled by the Zila Court, upon proof that another person has a preferable right.

nor relief from responsibility to claimants.

Third.—An heir, executor or administrator, holding a certificate, shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

Refusal of a recognition no judgment against claim of applicant.

8. The refusal of a certificate by the Judge shall not finally determine the rights of the person whose application is refused, but it shall still be competent to him to institute a suit for the purpose of establishing his claim.

CHAPTER II.

OF THE APPOINTMENT OF AN ADMINISTRATOR BY THE ZILA COURT, WHEN THERE IS NO HEIR OR EXECUTOR COMPETENT AND WILLING TO BE PLACED IN POSSESSION.

9. Whenever there is no person on the spot entitled and willing to take charge of the property of a person deceased, where the right of succession is disputed between two or more claimants, none of whom has taken possession, or where the heirs are incompetent to the management of their affairs from infancy, insanity or other disqualification, and have no near relations entitled and willing to take charge on their behalf, the Judge, within whose jurisdiction such property is, may appoint an administrator for the management thereof, until the lawful heir, executor or administrator appears, or the right of succession is determined, or the disqualification of the heir is removed, as the case may be, when the Judge, on being satisfied of the facts, shall direct the administrator in charge to deliver over the property to such person, with a full account of all receipts and disbursements during the period of his administration.

When heir, etc., is present but undetermined, or incompetent, Judge may appoint administrator, to be duly accountable when emergency at end.

[1]**10.** *First.*—Whenever any person dies intestate, and without known heirs, leaving property, the Judge, within whose jurisdiction the property is, shall appoint an administrator for the management thereof, and shall issue a proclamation in the form contained in Appendix C, calling upon the heir of the deceased or any person entitled to receive charge of the property, to attend and prefer his claim.

Second.—The proclamation shall be published, [2] * * * * and if the deceased was a Native of any district or country without the limits of the Court's jurisdiction, and the property is of the value of rupees one thousand (1,000) [2] * * * * * * * or upwards, the proclamation shall also be published in the [2] * * * * [3][Official Gazette.]

If heir, etc., unknown, administrator to be appointed, and proclamation issued, and published.

Third.—If any person appears and satisfies the Judge of his right to the possession of the property or any part of it as heir, executor, administrator or otherwise, it shall be delivered up to him, after deducting the necessary expenses of management.

Heirs, etc., appearing to be put in possession,

Fourth.—But, if no person appears and establishes his right, the Judge, on the 31st December next after the completion of twelve months from the appointment of the administrator, shall make a report of the circumstances of the case to the Sadr Diwani Adalat, accompanied by an inventory and valuation of the property; and it shall be lawful for the Sadr Diwani Adalat either to direct the property to continue for a further period under the management of the administrator, or to be sold by him under the authority of the Court, and the proceeds to be deposited in the public treasury for the eventual benefit of all concerned.

and if no heir appears, reference to Sadr Diwani Adalat, who will grant time, or order sale and proceeds to be deposited.

11. Whenever an administrator is appointed by the Judge under sections 9 and 10 of this Regulation, he shall, previously to entering upon the execution of his office, give security in a sum to be fixed by the Judge for the faithful discharge of his trust, and he shall be entitled to such remuneration as the Judge may fix for his trouble, but subject to modification by the Sadr Diwani Adalat, on the complaint of any person interested.

Administrators appointed by Court to give security, and to be remunerated at discretion of Judge.

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[1] S. 10 does not apply to intestate property which is dealt with by a Magistrate under the Bombay District Police Act, 1890 (Bom. 4 of 1890), s. 58 (*3*).

[2] The words "in the manner prescribed in Reg. IV, A. D. 1827, section VIII, clause tenth", the words "local currency" and the words "Bombay Courier or other" were respectively repealed by the Repealing Act, 1873 (12 of 1873).

[3] The words "Official Gazette" were substituted for the words "Government news-paper" by the Adaptation of Indian Laws Order in Council.

APPENDIX A.

Form of Proclamation to be issued when a person applies to be recognized as heir, executor or administrator of one deceased.

PROCLAMATION.

IN THE COURT OF THE ZILA OF

WHEREAS *A.B.*, inhabitant of , died at on or about the day of , and whereas *C.D.*, inhabitant of , has presented an application to the Judge of the said zila for the purpose of being formally recognized as heir [executor *or* administrator, *as the case may be*] of the said *A.B.*, this is to give notice to all persons who may dispute the right of the said *C.D.*, as heir [executor *or* administrator, *as the case may be*] of the said *A.B.*, to appear in the Court of the said zila within one month from the date of this proclamation, there to enter their objections; and it is hereby declared that if no sufficient objection is offered before the expiration of that period, the said Judge will forthwith proceed to receive proof of the said *C.D.'s* right, and to grant him, provided he shall appear entitled thereto, a certificate of heirship [executorship *or* administratorship, *as the case may be*] of the said *A.B.*, deceased.

Dated at this day of .

(*Signed*) { *By the Judge,* / *Senior Assistant Judge,* / *or* / *Junior Assistant Judge.*

APPENDIX B.

Form of Certificate to be granted to the recognized heir, executor or administrator of one deceased.

IN THE COURT OF THE ZILA OF .

WHEREAS *A.B.*, inhabitant of , died at on or about the day of , and application was made by *C.D.*, inhabitant of , to the Judge of the said Court, to be formally recognized as heir [executor *or* administrator, *as the case may be*] of the said *A.B.*; and, whereas the usual proclamation having been issued, no sufficient objection was offered to the right of the said *C.D.*; and whereas the said *C.D.* thereupon gave proof to the satisfaction of the Court of his right to be recognized as heir [executor *or* administrator, *as the case may be*] of the said *A.B.*:

This, therefore, is to certify that the said *C.D.* is the recognized heir [executor *or* administrator] of the said *A.B.* deceased.

Dated at this day of .

(*Signed*) { *By the Judge,* / *Senior Assistant Judge,* / *or* / *Junior Assistant Judge.*

APPENDIX C.

Form of Proclamation to be issued when a person dies intestate, and without known heirs, leaving property.

PROCLAMATION

IN THE COURT OF THE ZILA OF

WHEREAS *A.B.*, inhabitant of , died at on or about the day of , leaving the following property at , within the said zila, namely, [*here specify the property*]; and whereas no will of the said *A. B.* has been found, nor is it known if he has any heirs: This is to give notice to all persons claiming to be heirs, or to be entitled to receive charge of the said property, to attend and prefer their claim in the said Court, in order that, on such claim being proved, the said property may be delivered up to them.

Dated at this day of

(*Signed*) { *By the Judge,*
Senior Assistant Judge,
or
Junior Assistant Judge.

BOMBAY REGULATION XII OF 1827.[1]

[*1st January 1827.*]

Repealed in part, by Act 3 of 1857 ; 17 of 1862 ; 10 of 1872 ; 10 of 1873 ; 12 of 1873 ; 12 of 1876 ; 4 of 1894 ; Bom. Acts 6 of 1866 ; 7 of 1867 ; 8 of 1867 ; 2 of 1870.

Repealed in part (locally), by Bom. 4 of 1890.
Repealed in part and amended, by Bom. 3 of 1886.
Supplemented, by Act 2 of 1889.
Repealed in part, by Bom. 15 of 1932.

A Regulation *for the establishment of a system of Police throughout the zilas subordinate to Bombay, for providing rules for its administration, and* for defining the duties and powers of *all* Police-authorities *and servants.*

PREAMBLE. *Rep. Act XVII of 1862 and again Act XII of 1876.*

1 to 18. *Rep. Acts XVII of 1862, VII of 1867, VIII of 1867, II of 1870, X of 1872 and X of 1873.*

Power to make rules respecting dharamsalas, etc.

[2]**19.** *First.*—It shall be lawful for the [3][District Magistrate], when the public benefit and comfort is in question, to institute rules respecting dharmsalas, liquor-shops, public wells, town-gates, and generally all places of public resort, regulating the hours at which they are to be open, the manner in which they are to be used, the equal and appropriate application of their accommodations, and such matters as conduce to maintaining orderly conduct among those who resort to them.

Second to Fifth.—[*Cutting firewood, etc. ; removal of nuisances and combustible substances*] *Rep. Act XVII of 1862.*

Publication of rules and Submission to sadr Faujdari Adalat.

Sixth.—In exercising the authority conferred by this section, the [3][District Magistrate] shall commence by issuing an injunction, which, if a particular individual be concerned, shall be personal to him, otherwise it shall be notified by oral proclamation made, and written notice fixed and kept, at such place or places as may be best adapted to convey information to the public, or the class concerned ; a copy of which shall, at the same time, be forwarded to the Court of Sadr Faujdari Adalat, and it shall remain in force, unless forbidden by that Court ; and should any person persist in disobeying the injunction, [4][any Magistrate] may compel observance thereof by force, and punish disobedience by fine not exceeding one month's computed average income of the culprit, [5][simple] imprisonment [6]* * * not exceeding one month, [7]* * * * or any of these combined [8]* * * *.

Punishment for violating rules.

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[1] S. 19, s. 20, s. 27, clause *second*, and s. 37, clauses *first* and *second*, of Bom. Reg. 12 of 1827 were declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5 and Sch. 3 as amended by Act 12 of 1891, General Acts, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walvi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

[2] The portions of s. 19 here printed are repealed by the Bombay District Police Act, 1890 (Bom. 4 of 1890), s. 2, wherever that Act extends.

[3] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] "Any Magistrate" was substituted for "the Magistrate", *ibid.*

[5] The word "simple" was substituted for the word "ordinary", *ibid.*

[6] The words "without labour" were repealed, *ibid.*

[7] The words "personal restraint" were repealed by the Repealing Act, 1876 (12 of 1876).

[8] Words having reference to expenses for removing noxious or dangerous articles or buildings were repealed by the Repealing Act, 1873 (12 of 1873).

Seventh.—Provided, however, that, in all questions arising out of the preceding clause of this section, it shall be competent to any individual who may deem himself possessed of a private right, which cannot equitably be interfered with, to file a suit in the Civil Court against the [1][District Magistrate] to support his claim, and the [2][Magistrate before whom proceedings against such individual are being held] applied to, shall stay his proceedings for a reasonable period to allow of such suit being instituted [3]* * * *.

Person deeming private rights infringed may try case in Civil Court.

Eighth.—[4]* * * * * * * [5][Any Magistrate may] take charge of property found without an owner, and if the provisions of Regulation VIII, A. D. 1827, Chapter II, do not apply to the case, shall retain it for the eventual benefit of the said owner, on his defraying any expenses incurred ;but, at any period, when these may have amounted to the computed value of the property, it may be sold to defray the same.

Any Magistrate may take charge of property left without owner.

20. [District Magistrates to keep standards of weights and measures]. *Rep. Bom. XV of 1932.*

21. *Rep. Act XVII of 1932.*

22. *Rep. Act VIII of 1867.*

23 to 26. *Rep. Act XVII of 1862.*

27. *First.*—[*Imprisonment in default of recognizance or security*]. *Rep. Act XVII of 1862.*

Second.—But the [1][District Magistrate] is not precluded from adopting precautionary measures of a more lenient nature, in the case of a person who may be unable to furnish satisfactory recognizance or security for his attendance ; such as, provided the [1][District Magistrate] considers them sufficient for the purpose, allowing the party to remain under the inspection of some trustworthy person possessing influence over his conduct, or at some place of public resort, under charge of persons in usual attendance there ; and similar measures may, under similar circumstances, be adopted to secure the good conduct of a suspected person ; in which case additional restrictions may be made, as suggested by the party's habits, and the evil apprehended, such as prohibiting his leaving his residence, or certain limits, at particular times, or providing himself with a horse or arms, or any other restrictions which will not unreasonably affect his personal liberty, or deprive him of the means of procuring a livelihood ; all which restrictions shall be notified to the party in writing, a copy thereof, with his signature, in token of assent, being kept by the [1][District Magistrate] and any breach thereof shall be punishable by [6][simple] imprisonment [7]* * * for a period not exceeding six months which penalty also shall be inserted in the instrument.

Powers in respect of precautionary measures.

28 to 36. *Rep. Act XVII of 1862 and Bom. VII of 1867.*

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[1] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] These words were substituted for the word "Magistrate", *ibid*

[3] The words "which shall be tried by the Judge or one of his assistants exclusively" were repealed by the Repealing Act, 1876 (12 of 1876).

[4] The words "the Magistrate shall always be authorized to take charge of stray animals and to detain them either at the sudder station or at the place where found ; and if the owners apply and pay the expenses incurred within two months, the animals shall be returned to them ; otherwise they shall be sold by public auction and the proceeds, after deducting expenses incurred, shall be paid to the owners on demand" were repealed by Act 3 of 1857.

[5] These words were substituted for the words "The Magistrate shall also" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B.

[6] "Simple" was substituted for "ordinary", *ibid.*

[7] The words "without hard labour" were repealed, *ibid.*

Villages liable to fine in case of robbery committed within their bounds.

37. *First.*—When robbery has been committed within the boundary of a village, or the perpetrators of a robbery have been satisfactorily traced thereto, and neglect or connivance be charged against the inhabitants or the police-establishment, with regard to prevention, detection or apprehension, it shall be competent to the [1][District or Sub-Divisional Magistrate] to investigate the matter as a criminal offence, and, if the fact be well substantiated, to exact a fine not exceeding the value of the property lost, the whole or part of which may be awarded in compensation to the owner, according as the degree of caution and activity which he evinced on the occasion may deserve.

Levy of fines.

Second.—If the fine be awarded against the inhabitants at large, it shall be realized by the Collector in the same manner as revenue-demands, and paid to the order of the Magistrate; if against individuals of the police-establishment, it shall be levied [2]* * * * * * as directed for fines in general [2]*

Third.—[*Orders by Court of Circuit.*] *Rep. Act X of 1872.*

38 to 53. *Rep. Act XVII of 1862 and Bom. VII and VIII of 1867.*

APPENDICES A TO M.

[*Rep. Bom. VI of 1866 and XVII of 1862, XII of 1876 and IV of 1894.*]

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[1] These words were substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[2] The words "by imprisonment in commutation" and the words, figures and letters "in Regulation XIV, A. D. 1827, s. 9," were repealed by the Repealing Act, 1873 (12 of 1873).

BOMBAY REGULATION XIII OF 1827.[1]

[*1st January 1827.*]

Repealed in part, by Act 17 of 1862;
" " " " " 10 of 1872;
" " " " " 24 of 1872;
" " " " " 10 of 1873;
" " " " " 12 of 1873;
" " " " " 12 of 1876;
" " " " " 4 of 1894;
" " " " Bom. 4 of 1865;
" " " " Bom. 6 of 1866.

A Regulation for defining the constitution of Courts of Criminal Justice and the functions and proceedings thereof.

PREAMBLE. *Rep. Act XII of 1873.*

1 to 34. *First, Second.—Rep. Acts XVII of 1862, X of 1872 and XII of 1873.*

34 *Third.—A Magistrate to whom a summons has been forwarded for execution may, if he see sufficient cause, either reduce or increase the amount of penalty or period of imprisonment stated in the summons, specifying his reason for the same in his return* [2]and it shall be competent to a Court [3]* * * * when the attendance of a public officer in permanent official employ, or of an individual of known respectability and prudent demeanour is required, to notify the same to him by written order or letter, and take no other security than his returning the same with an endorsement signifying his acquiescence. Substitution of letter for summons.

34 *Fourth to Eighth* **to 46.** *Rep. Acts XVII of 1862, XXIV of 1872, X of 1873 and Bom. IV of 1865.*

APPENDICES A TO N.

[*Rep. Act IV of 1894 and Bom. VI of 1866.*]

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[1] S. 34, clause *third*, of Bom. Reg. 13 of 1827 (in so far as it authorizes the occasional substitution of a letter for a summons) was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs:—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

[2] S. 34, clause *third*, except in so far as it authorizes the occasional substitution of a letter for a summons, was repealed by Act 17 of 1862.

[3] The words "or to the Magistrate abovementioned" were repealed by the Repealing Act, 1876 (12 of 1876).

BOMBAY REGULATION XXII OF 1827.[1]

[*1st January 1827.*]

Repealed (except ss. 40 to 43), by Act 13 of 1889.
Repealed in part, by Act 12 of 1873.
Amended, by Bom. 3 of 1886.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation to declare and define military authority, in its relations to the civil power and to the community at large.

PREAMBLE. *Rep. Act XIII of 1889.*

CHAPTERS I TO VI.

[*Courts-martial; Military Courts having civil and criminal jurisdiction; Police; Aid by Civil Authorities to Military Tribunals; Military Courts of Requests; Offences cognizable in Civil Court; Limits of Cantonments; Superintendent of Bazars; Process by Civil Authority; Camp-followers.*]

1 to 39. *Rep. Act XIII of 1889.*

CHAPTER VII.

OF THE AID WHICH MAY BE FURNISHED BY CIVIL AUTHORITIES TO EXPEDITE THE MARCH OF MILITARY FORCES, AND OF COMPENSATION TO INDIVIDUALS FOR DAMAGE CAUSED BY THE TROOPS ON SUCH OCCASIONS.

Notice to District Magistrates through whose jurisdiction troops pass.

40. When military bodies, exceeding in number two hundred (200) of infantry, or one hundred (100) of cavalry, shall have occasion to march through a British territory, and also, if the number be smaller, provided they will require aid from the local authority, the commanding officer shall give timely notice to each [2][District Magistrate] through whose jurisdiction he will pass, specifying the probable time of his arrival, the extent of the corps, and the nature of the aid (if any) which will be required.

Aid to be furnished by District Magistrate.

41. *First.*—If it be required, the [3][District] Magistrate shall direct his establishment to be in readiness to procure guides, and such supplies of provisions as the country may furnish, and such conveyance for passing rivers or ghats, or any peculiarly difficult places, as is professionally provided by the inhabitants for such purposes.

How paid for

Second.—Provisions and conveyance supplied as above mentioned to individuals shall be paid for by them at the time and at the current rate of the place, the guides and conveyance for public property shall be paid for at the same rate by the Collector of the district, according to a certificate which the commanding officer is to grant, denoting the services performed; and the Collector is to insert the amount so disbursed at the foot of his treasury-account, in explanation of his treasury-balance as prescribed for similar cases.

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[1] Ss. 40 to 43 of Bom. Reg. 22 of 1827 were declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, and Sch. 3 as amended by Act 13 of 1889, to be in force in the whole of the Province of Bombay, except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs:—(1) The Parvi of Kathi, (2) the Parvi of Nal, (3) The Parvi of Singpur, (4) The Walvi of Gaohalli, (5) The Wassawa of Chikhli and (6) The Parvi of Nawalpur.

[2] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[3] "District" was substituted for "local", *ibid.*

42. *First.*—When emergent occasions require the immediate march of troops and more extensive aid towards it than is allowed by the preceding section is, necessary, the [1][District] Magistrate may resort to impressment under the following rules, being careful to define the nature of the employment for which the impressment is made, and the period it is to continue.

On emergent occasions aid may be procured by impressment.

Second.—The [1][District] Magistrate's authority for acting as in the preceding clause shall be either an order from the [2][Central Government] or a letter from the commanding officer declaring his inability to proceed without the [1][District Magistrate's] aid, and fully explaining the circumstances which render the movement of paramount importance to the general inconvenience occasioned by impressment, on receipt of which the [3][District Magistrate] will act at discretion.

What considered as constituting emergency.

Third.—Remuneration for services or supplies procured by impressment is to be fixed by the [3][District Magistrate] on a liberal scale, and paid according to the principles of clause second, section 41, of this Regulation, namely, individuals are to pay for that which is personal accommodation, and the Collector is to defray the charges incurred for the public service under the above-quoted rules.

Remuneration how made.

Fourth.—Whenever impressment shall take place by virtue of this section, the [3][District Magistrate] shall, within ten (10) days, report the fact, with the cause and extent of impressment, and the rates of remuneration allowed [4]* to the [2][Central Government] [4] * * *.

Report as to impressment.

43. *First.*—When damage is occasioned to individuals by the march or encampment of troops, the commanding officer shall, on application by the sufferer, furnish him with a certificate of the nature, extent and cause thereof.

Certificate to be furnished to person sustaining injury.

Second.—The certificate mentioned in the preceding clause shall, if presented to the Collector or any of his officers holding charge of a district within ten (10) days from its date, entitle the sufferer to compensation for loss occasioned by such movements or positions of the troops as are *bona fide* of a military nature.

Effect of certificate.

Third.—On a demand being made by virtue of this section to the Collector, he shall inquire into its merits, and, if satisfied that it is just, shall apply to [5][the Central Government] for permission to pay it; if the Collector thinks the demand is not just, or if [5][the Central Government] withhold permission to pay it, the complainant may bring the case to decision according to the process of civil law instituting a suit against [6][the Central Government.]

Suit against Central Government when to be instituted.

CHAPTERS VIII AND IX.

[*Requisitions for Military aid by Civil Authorities ; Spirituous Liquors.*]

44 to 55. *Rep. Act XIII of 1889.*

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[1] "District Magistrate" was substituted for "Local" by Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "Central Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for "Magistrate" by Bom. 3 of 1886, Sch. B. This Schedule is printed as an appendix to Bom. 1 of 1904.

[4] The word "both" and the words "and the Court of Sudder Foujdary Adawlut" were repealed by the Repealing Act, 1873 (12 of 1873).

[5] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] The words "the Central Government" were substituted for the words "the Collector", *ibid.*

BOMBAY REGULATION XXV OF 1827.[1]

[*1st January 1827.*]

Repealed in part, by Act 3 of 1858;
" " " " " 12 of 1873;
" " " " " 12 of 1876;
Amended, by Bom. 3 of 1886;
Supplemented, by Act 34 of 1850;
" " " 3 of 1858.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation for the confinement of State Prisoners and for the attachment of the lands of Chieftains and others for reasons of State.[2]

Premable.

WHEREAS [3][reasons connected with the maintenance of public order in a Province,] occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper;

and whereas it is fit that, in every case of the nature herein referred to, the measures adopted should emanate immediately from the Governor in Council;

and whereas [4][reasons of State] sometimes render it necessary that the estates and lands of zamindars, taluqdars and others [5]* * * * should be attached and placed under the temporary management of the Revenue-authorities, without having recourse to any judicial proceeding;
the following rules have therefore been enacted [6]* * * * *.

CHAPTER I.

RULES FOR THE APPREHENSION AND CONFINEMENT OF INDIVIDUALS AS STATE PRISONERS.

Proceeding for placing persons under restraint as State prisoners.

1. *First.*—When [7][reasons connected with the maintenance of public order in the Province] may seem to the [8][Provincial Government] to require that an individual should be placed under restraint, without any immediate view to ulterior proceedings of a judicial nature, it shall be lawful for the [8][Provincial Government]

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[1] Bom. Reg. 25 of 1827 was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay, except as regards the Scheduled Districts. It has been declared by notification under the Scheduled Districts Act, 1874 (14 of 1874), to be in force in the Scheduled Districts, i.e. the villages belonging to the following Mehwassi Chiefs:—

(1) the Parvi of Kathi,
(2) the Parvi of Nal,
(3) the Parvi of Singpur,
(4) the Walvi of Gaohalli,
(5) the Wassawa of Chikhli, and
(6) the Parvi of Nawalpur.

See Appendix *infra*.

[2] For further provisions, *see* the State Prisoners Acts, 1850 (34 of 1850) and 1858 (3 of 1858).

[3] The words "reasons connected with the maintenance of public order in a Province" were substituted for the words "reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion" by the Adaptation of Indian Laws Order in Council.

[4] The words "reasons of State" were substituted for the words "the reasons above declared", *ibid.*

[5] The words "situated within the zilas subordinate to Bombay" were omitted, *ibid.*

[6] The words "to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose" were repealed by the Repealing Act, 1873 (12 of 1873).

[7] The words "reasons connected with the maintenance of public order in the Province" were substituted for the words "any of the considerations stated in the preamble of this Regulation" by the Adaptation of Indian Laws Order in Council.

[8] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

provided always that, with reference to the individual, the measure shall not be in breach of British law[1], to cause such individual to be apprehended in such manner as the [2][Provincial Government] may deem fit, and, when apprehended, to be delivered over to any officer in whose custody it may be deemed expedient that he shall be placed, with a warrant of commitment to such officer's address.

Second.—The warrant of commitment shall be in the form specified in Appendix A, and shall be sufficient authority for the detention of any State prisoner in any fortress, jail or other place within [3][the Province].

Form and authority of warrant.

2. The [2][Provincial Government] shall fix such allowance for the support of the State prisoner as may seem to [4][it] expedient in reference to the prisoner's habits and rank in society, and shall specify at the same time through whose means it is to be paid and how it is to be applied.

Allowance for support of State prisoner.

3. Every officer in whose custody any State prisoner may be placed shall, on the 1st of January and 1st of July of each year, submit a report to the [2][Provincial Government] [5]* * * * * on the conduct, the health and the comfort of such State prisoner in order that the [2][Provincial Government] may determine whether the orders for his detention shall continue in force or shall be modified.

Report to Government as to conduct, etc., of prisoner.

4. *First.*—[*Powers of Judge of Circuit.*] *Rep. Act XII of 1873.*

Second.—When any State prisoner is placed in the custody of any public officer not being a [6][District Magistrate] the [2][Provincial Government] shall instruct either the [6][District Magistrate,] [7]* * * * or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government regarding the health and treatment of such prisoner.

Prisoner in custody of officer other than District Magistrate by whom to be visited.

5. *First.*—Every officer in whose custody any State prisoner may be placed shall, as soon after taking such prisoner into his custody as may be practicable, report to the [2][Provincial Government], whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

Report to Government as to confinement, etc., of prisoner.

Second.—The officer in whose custody any State prisoner may be placed is to forward, with such observations as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the [2][Provincial Government].

Representations of prisoner to be submitted.

6. [*Persons already confined as State prisoners.*] *Rep. Act XII of 1876.*

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[1] So much of s. 1, clause *first*, as provides that, with reference to the individual, the apprehension and confinement therein referred to shall not be in breach of British law, was repealed by the State Prisoners Act, 1858 (3 of 1858), except so far as the said provision applies to European British subjects.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Province" were substituted for the words "the zilas subordinate to Bombay", *ibid.*

[4] The word "it" was substituted for the word "him", *ibid.*

[5] The words "through the Secretary to Government in the Political Department" were omitted, *ibid.*

[6] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[7] The words "or the Judge on circuit" were repealed by the Repealing Act, 1873 (12 of 1873).

CHAPTER II.

RULES FOR THE ATTACHMENT OF LANDS FOR REASONS OF STATE, AND FOR REMOVING SUCH ATTACHMENT.

Attachment of estates by order of Government without decision of Court.

7. Whenever the [1][Provincial Government] for [2][reasons of State] shall judge it necessary to attach the estates or land of any zamindar, jagirdar, taluqdar or other person without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential shall be communicated, [3]* * * * * to the Judge and the [4][District Magistrate] or other civil authorities of the district in which the lands or estates may be situated [5]* * * * *.

Management of attached lands.

8. *First.*—The lands or estates which may be temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjusted on the same principles, if consistent with the rights of others, as had been followed by the proprietor :

Provided, however, that any change may be introduced which the proprietor may desire, and which may not infringe on private rights, nor appear objectionable to the Collector ; and annual accounts of the management of the lands attached shall be furnished to the proprietor.

Attached lands how saleable in execution. Income applicable to satisfaction of decrees.

Second.—Such lands or estates, while so under attachment, shall not be liable to be sold by process of law, or otherwise, without the mutual consent of Government and the proprietor ; but the annual income or any portion of it may, if Government so direct, be applicable to the satisfaction of decrees of the Civil Court.

Rules as to cases where Government orders a release from attachment.

9. Whenever the [1][Provincial Government] shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government, and to pay over to the proprietor the profits from the estates which may have accumulated during the attachment.

CHAPTER III.[6]

EXTENT OF THIS REGULATION.

Extent.

10. This Regulation extends to the whole of the Provinces of Bombay and Sind as constituted under the Government of India Act, 1935.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "reasons of State", were substituted for the words "reasons of the nature of those specified in the preamble to this Regulation", *ibid.*

[3] The words "under the hand of one of the Secretaries to Government" were omitted, *ibid.*

[4] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[5] The words "and to the Sudder Adawlut" were repealed by the Repealing Act, 1876 (12 of 1876).

[6] New Chapter III was inserted by the Adaptation of Indian Laws Order in Council.

APPENDIX A.

TO THE (*here insert the officer's designation*).[1]

WHEREAS the Governor [2]* * * for good and sufficient reasons, has resolved that (*here insert the State prisoner's name*) shall be placed under personal restraint at (*here insert the name of the place*), you are hereby ordered, in pursuance of that resolution, to receive the person above-named into your custody, and to deal with him in conformity to the orders of the Governor [2]* * * and the provisions of Regulation XXV, A.D. 1827.

[3]* * *

[1] As to direction of the warrant, *see* the State Prisoners Act, 1850 (34 of 1850), s. 1, as applied to Bombay by the State Prisoners Act, 1858 (3 of 1858), s. 3.

[2] The words "in Council" were omitted by the Adaptation of Indian Laws Order in Council.

[3] The words "By order of the Governor in Council etc." were omitted, *ibid.*

BOMBAY REGULATION XXIX OF 1827.[1]

[*1st August 1827.*]

Repealed in part, by Bom. Reg. 4 of 1828;

" " " " Act 6 of 1842;
" " " " " 11 of 1846;
" " " " " 4 of 1868;
" " " " " 14 of 1869;
" " " " " 10 of 1876;
" " " " " 12 of 1876;
" " " " " 4 of 1894;

Supplemented, by Bom. Reg. I of 1831, as amended by Bom. Reg. 16 of 1831, s. 2;

Supplemented, by Act 19 of 1835.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khandesh.

Preamble. WHEREAS, subsequently to the conquest by the Company of the territories of the late Peshwa, in the Dekkhan and Khandesh, and the acquisition from other States by treaties and agreements of other territories within the said countries, the governments of all the said territories have, with the view of avoiding the abrupt introduction of extensive change, been conducted under the orders of the Governor in Council, constituting a system which was calculated gradually to prepare the way for the introduction of the general rules of the British administration;

and whereas the Regulations for the administration of the Bombay territories have in the meantime been revised, and it has now been judged expedient to bring the territories in the Dekkhan and Khandesh under the revised Regulations, being the first [2]twenty-six (26) Regulations of 1827, with certain modifications;

the following rules have been enacted [3]* * * *

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[1] As to the application of Bom. Reg. 29 of 1827 to the Southern Maratha Country (Dharwar District), *see* Bom. Reg. 7 of 1830 as amended by Act 16 of 1895. As to its application to certain other territory, *see* Bom. 3 of 1863, s. 4, and Bom. 14 of 1866, s. 3. *Cf.* s. 4 of the Code of Civil Procedure, 1908 (5 of 1908).

[2] Most of these Regulations have been repealed—*see* Chronological Tables of the Indian Statutes. The unrepealed portions of the others are printed on the preceding pages.

[3] The words and figures "to have effect from the 1st September 1827", were repealed by the Repealing Act, 1876 (12 of 1876).

2. *First.*—The first [1]twenty-six (26) Regulations of 1827 [2]* * * * shall, from the 1st September, 1827, be of force and effect, except as specifically enacted to the contrary, throughout the Bombay territories in the Dekkhan and Khándesh, consisting of the zilas of Puna and Ahmadnagar, as described in Appendix A to this Regulation [3]* * * * *

Regulations made applicable to Dekkhan and Khándesh.

Second.—[*Fees*] *Rep. Act XII of 1876.*

3. *First.*—With reference to the said zilas, [4]* * * * * suits against certain persons of rank, as hereinafter specified, shall not come under the jurisdiction of the Civil Courts.

Persons excluded from jurisdiction of Courts.

Second.—A [5]list of the said persons of rank will be furnished by [6][the Provincial Government] to the Judge, who will, on application, communicate the same to any person who, as plaintiff or defendant, may show that his interest requires his being supplied with that information.

List to be furnished to Judge.

4. *First.*—An [7]Agent of [6][the Provincial Government] shall be specially appointed for the purpose of receiving and trying and deciding all complaints of a Civil nature which would, under the ordinary rules, be cognizable by either of the Judges of Puna and Ahmadnagar against any of the persons [8]contemplated in the preceding section: he shall be furnished with a list of the [9]said persons of rank, and with instructions descriptive of the respective rules of procedure to be followed in the case of each such person, and he shall communicate to any individual making application so much of the above-mentioned information as such individual may show to be important to his own interest.

Agent to be appointed for trial of suits against them.

List and instructions to be furnished to him.

Second.—The list above-mentioned shall comprise three (3) classes of persons of rank; and the instructions above-mentioned shall provide three (3) several modes of procedure, applicable respectively to each class of the said persons of rank.

List and instructions what to comprise and provide.

5. *First.*—Suits against the persons belonging to the first of the classes comprised in the Agent's list, being individuals of the very first distinction and influence under the Peshwa's Government on account of their birth, their political importance, or the religious estimation in which they were held, shall be conducted and decided by the Agent, reference being had in the most ample degree to the privileges of the defendant by former usage and custom enjoyed, and to other peculiar characteristics of the case conformable to like usage and custom;

Conduct of suits against first class persons.

and no decree against any such defendant shall be enforced until the suit and all proceedings thereon shall have been referred to the [10][Provincial Government] (to [11][which] also the plaintiff may appeal), [11]which, as a special superior Court for

Decrees not to be executed without reference to Provincial Government.

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[1] Most of these Regulations have been repealed—*see* Chronological Tables of the Indian Statutes. The unrepealed portions of the others are printed on the preceding pages.

[2] The words "with the exception of Regulation XVIII and of any enactments relating to stamps" were repealed by the Repealing and Amending Act, 1894 (4 of 1894).

[3] The words and figures "and the said territories are hereby further brought under the operation of the Regulations, according as they may apply, to be passed from and after the first September, 1827, for the government of the territories subordinate to the Presidency of Bombay" were repealed by the Repealing Act 1876 (12 of 1876).

[4] The words and figures "it is hereby enacted that, in modification of the rules contained in Reg. II A. D. 1827, Sections XXI and XXXVII, clause first" were repealed by Act 12 of 1876.

[5] As to appeals from decisions passed by jágirdárs included in this list, *see* Bom. Reg. 13 of 1830, s. 3. As to Courts having power to take cognizance of land-suits in which persons included in this list are concerned as defendants, *see* Bom. Reg. 1 of 1831, and Bom. Reg. 16 of 1831.

[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[7] As to transfer of suits to the Assistant Agent, *see* Act 19 of 1835.

[8] As to land-suits in which such persons are concerned as defendants, *see* Bom. Reg. 1 of 1831, and Bom. Reg. 16 of 1831, s. 2.

[9] *Cf.* Section 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908).

[10] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adapation of Indian Laws Order in Council.

[11] The word "which" was substituted for the words "whom" and "who", *ibid.*

The thirty-two (32) following villages of the taraf Paun Maval, namely :—

1 Karunj,	17 Shivner,
2 Ambegaon,	18 Bauver,
3 Pusani,	19 Thugaon,
4 Chandkhed,	20 Pardavdi,
5 Kila,	21 Mahagaon,
6 Shevti,	22 Kusgaon,
7 Sindgaon,	23 Yelsi,
8 Pavla,	24 Bebarvohol,
9 Kurda,	25 Riha,
10 Siravli,	26 Pauchana,
11 Ghivandi Alvan,	27 Bersi,
12 Apti,	28 Badavli,
13 Kauter Khadak,	29 Arra,
14 Malavli,	30 Ursi,
15 Shivli,	31 Gotavra,
16 Aridiv,	32 Adala Khurd.

The three (3) tarafs Kari Pathar, Sasvad and Supa.

So much of the two (2) *tarafs Nir Thadi and Sirval as lies north of the Nira river*[1].

The six (6) tarafs Indapur Baramati Mohol, Under tappa to the west of the Sina river Bhusa and Temburni.

The four (4) following villages of the taraf Karkam, namely :—

1 Gursali,	3 Karola,
2 Badalkot,	4 Ujini.

The two (2) following villages of the taraf Kathi, namely :—

1 Sorsti,	2 Shankargaon.

The three (3) tarafs Sholapur, Ahirvadi and Mandrup.

The five (5) following villages denominated the Sammot Phutgaon, namely :—

1 Andal,	4 Darphal,
2 Muranchi,	5 Mangrul.
3 Nerkhed,	

The seven (7) tarafs Indi, Tamba, Hippargi, Julvad-Kokatnur, Almel, Bardul and Ukli.

The three (3) following villages of the taraf Haveli Bijapur, namely :—

1 Ukmanhal,	3 Ahleabad.
2 Kaulga,	

The four (4) following villages of the taraf Horti, namely :—

1 Ranjanhal,	3 Tilihal,
2 Minchanhal,	4 Kyatilkir.

The qasba of Sindgi.

[1] As to three of the villages in these tarafs, *see* the first footnote on p. 27, *supra*.

The six (6) following villages of the taraf Honvad, namely :—

1 *Jalihal*,[1]	4 Arahalli,
2 Ramtirat,	5 Kaltavteghi,
3 Yetinhal,	6 Ghonasghi.

The seven (7) following villages of the taraf Anti, namely :—

1 Aralhatti,	5 Balgheri,
2 Abihal,	6 Sambarga,
3 Tangarri,	7 Bemanhl.
4 Mangsula,	

The two (2) following villages of taraf Halsanghi, namely :—

1 Bhatgunk,	2 Gotihal.

The six (6) following villages, namely :—

1 Avakor,	4 *Tingni Bidri*,[1]
2 Hina Parsalghi,	5 *Hongalhalli*,[1]
3 Surpal,	6 *Karjol*.[1]

The two (2) tarafs Talikoti and Nalatvad.

The qasba of Bagevadi and the two (2) villages of Masbinal and Yerval.

The four (4) following villages in the taraf Muhammadpur, namely :—

1 Jaynapur,	3 *Upaldinni*,[1]
2 Budeni,	4 Gurodhal.

The village of Bhaganagar, taraf Sednak.

The seven (7) following villages of the taraf Chimalghi, namely :—

1 Disalkop,	4 Golsinghi,
2 Mijarkop,	5 Gharri,
3 Murkatihal,	6 Liklevadi,

7 Maundghi.

Zila of Ahmednagar.

(Ahmednagar Collectorship.)

Barsi Panch Mahals.

The Peshwa's share of the pargana Doka.

The village of Vaghola in the Dharur pargana.

So much of the pargana Haveli-Parinda as lies west of the Sina river and the village of Sanori to the east of the said river.

The two (2) parganas of Jamkhed and Vanghi.

The Peshwa's share of Prant Karrevarit and that part of the Nizam's share which lies west of the Sina river.

The Peshwa's share of the Ashti pargana and the taraf Manur.

The two (2) tarafs Naga Haveli and Ranjangaon.

The Pargana Parner.

The nine (9) following villages in taraf Belha, namely :—

1 Davalgaon,	4 Babra,	8 Ukargaon,
2 Orngaon,	5 Kolgaon,	8 Isapur,
3 Karnjavan,	6 Sidori,	9 Andalgaon.

The two (2) parganas of Kharda and Nevasa, except the village of Jalka.

The two (2) tarafs Ganji-Bhoyra and Vavrad.

The pargana Bargaon Nandur.

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[1] *See* the first footnote on p. 27, *supra*.

The Peshwa's share of the two (2) parganas Bijapur and Gandapur, together with the village of Takli.

The pargana Sangamner, together with the three (3) qasbas of Rahata, Puntambo and Whava.

The thirteen (13) parganas Dhandarphal, Kotul, Akola, Sinnar, Kumbhari, Patoda, Nasik, Trimbak, Vaghera, Vani, Dindori, Shevgaon and Chandor.

(*Khandesh Collectorship.*)

The thirteen (13) parganas Laling, Songir, Ner, Amalner, Betavad, Dhangri, Garondol, Jalod, Chandshahar, Bhadgaon, Bhal, Utran and Masva.

The pargana Pachora which belongs to Sindia, but is governed by the British.

The taraf Lohara-Haveli which belongs to Sindia, but is governed by the British.

The taraf Sangvi, in the Lohara pargana.

The five (5) parganas Shendurnit, Chalisgaon, Rajdesh, Mahombarai and Manikpuri.

The eighteen (18) following villages of the Kana Pargana, namely :—

1. Rolter,
2. Rohilla,
3. Porkri,
4. Malligaon,
5. Champaner,
6. Hingna,
7. Naydongri,
8. Sahkegaon,
9. Kadra,
10. Kanedi,
11. Jalgaon.
12. Jamdi,
13. Tunvana,
14. Palasgaon,
15. Malpur,
16. Vetalpur.
17. Makrandarpur,
18. Narsinhpur.

The two (2) qasbas of Ranjangaon and Jategaon.

The twenty-four (24) parganas Galna, Chikhalvohol, Tokra, Jhodga, Lohoner, Vakhari, Sandas, Jayteypur, Pissol, Tilvad, Korali, Otur, Pala, Hatgad, Kanasi, Pimpla, Pimpalner, Dhaiva, Varsa, Bhamen, Navapur, [1]*Nandurbar, Sultanpur and Kukarmunda.*

The three (3) qasbas of Pankera, Umarpatta and Chaupala.

The principality of Akrani.

The pargana of Chopda which belongs to Sindia, but is governed by the British.

The two (2) parganas of Thálner and Amba.

The qasba of Sindva.

The pargana of Yával which belongs to Sindia, but is governed by the British.

The two (2) parganas of Adávad and Sávda.

The village of Chángdev.

The pargana of Ráver, including the taraf of Pál.

The four (4) parganas of Nasirabad, Jámner, Bodvad and Bornár.

[1] *See* the first footnote on p. 27, *supra.*

BOMBAY REGULATION VII OF 1830.[1]

[*17th March 1830.*]

Repealed in part, by Act 6 of 1842 ;
" " " " " 12 of 1873 ;
" " " " " 10 of 1876 ;
" " " " " 12 of 1876 ;
Amended, by Act 16 of 1895.
Supplemented, by Bom. Reg. 16 of 1831.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation for bringing under the operation of the Regulations the territories comprised in the Southern Marátha Country, belonging to the Honourable Company, and forming the said territories into a zila.

Preamble.

WHEREAS the administration of the territories of the Southern Marátha Country, acquired by conquest by the Honourable Company from the Peshwa and by treaty and agreement from other States, has been hitherto conducted under the orders of the Honourable the Governor in Council, the Regulations being in force in the said territories as instructions to be acted upon, as far as circumstances, under the recent acquisition, might dictate, and as preparatory to the formal introduction of the Regulations as established laws ;

and whereas the said country and territories having now, by order of the Honourable the Court of Directors, been finally annexed to the Presidency of Bombay the Honourable the Governor in Council has judged it expedient to form the said territories into a zila, to be denominated the zila of Dhárwár, and to introduce and establish therein the Regulations now in force under the Presidency of Bombay, in the same manner, and upon the same principles, as in the territories of the Dekkhan and Khándesh under the provisions of [2][3]Regulation XXIX] of 1827 ; the following rules have therefore been enacted [4]* * *

Territories formed into zila.

1. The territories of the Southern Marátha Country, as described in Appendix A to this Regulation, are hereby formed into a zila, to be denominated the zila of Dhárwár.

Brought under operation of Regulations.

[5]**2.** * * * * [6]The said zila is brought under the operation of the general Regulations now in force under the Bombay Presidency, with the exceptions and according to the rules provided in [7][8]Regulation XXIX of 1827] for the territories of the Dekkhan and Khándesh, as the same may not have been modified by any subsequent enactment, and with the exception of [9][section 5].

Exceptions.

3. 4. [*Combination of certain offices in one person.*] *Rep. Act XII of 1873.*

Creation of Political Agent to try suits against persons of rank, under modification of s. 3, Bom. Reg. XXIX, 1827.

[10]**5.** There shall be a Political Agent in the Southern Marátha Country on the part of [11][the Provincial Government], for the trial of suits against persons of rank ; and, in modification of the rules contained in section 3 and the following sections

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[1] *Cf* s. 4 of the Code of Civil Procedure, 1908 (5 of 1908).
[2] Substituted for " Regulations XXIX and XXX " by the Repealing Act, 1895 (16 of 1895).
[3] *Supra.*
[4] The words and figures " to have effect from the 1st of June 1830 " were repealed by the Repealing Act, 1876 (12 of 1876).
[5] So much of s. 2 as makes s. 6 of Bom. Reg. 29 of 1827 applicable to the territories comprised in the Southern Marátha Country is repealed by the Bombay Revenue Jurisdiction Act, 1876 (10 of 1876).
[6] The words " And it is hereby enacted that " were repealed by the Repealing Act, 1876 (12 of 1876).
[7] Substituted for the words and figures " Regulations XXIX of 1827 and XXX of 1827 " by the Repealing Act, 1895 (16 of 1895). For Regulation 29 of 1827, *see supra.*
[8] *Supra.*
[9] Substituted for the words " the following sections " by the Repealing Act, 1895 (16 of 1895).
[10] As to the application of s. 5 in certain other territory, *see* Bom. 3 of 1863, s. 4, and Bom. 14 of 1866, s. 3.
[11] The words " the Provincial Government " were substituted for the word " Government " by the Adaptation of Indian Laws Order in Council.

of [1]Regulation XXIX, 1827, it is enacted that [2]suits against such persons of whom a list shall be furnished by [3][the Provincial Government] to the Agent, shall be tried by him in the same manner and under the same rules as are enacted for the Agent of Sardárs' claims for the Dekkhan.

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[4]APPENDIX A.

Territorial description of the zila of the Karnátak or Southern Marátha Country, under the Presidency of Bombay, formed by conquests from the Peshwa (Proclamation of occupation, 11th February, 1818), cession by the Rájá of Kholhápur (Definitive treaty, 15th March, 1829), reversion of jágirs on failure of direct heirs, resumption of a part of the Sángli jágir in lieu of service, and the transfer of two tálukas from the Puna zila (Order of Government dated 19th November, 1829).

The thirty-two (32) parganas Dhárwár, Navalgund, Gadag, Bankápur, Shiggaon, Hángal, Adur Mishrikot, Old Hubli, New Hubli, Eyarni, Guttul, Kagenellee, Kod, Hirekerur, Chikkerur, Kuppelrur, Tilvalli, Khánápur, Murgod, Bágalkot, Rolli, Bilgi, Bádámi, Kerur, Mudkavi, Hungund, Nandvargi, Indi, Támba, Hippargi and Jalvadkokatnur.

Pargana Kardga (with the exception of the villages of Savalgaon, Bálihalli, Jogeshvar, Kondur, Voginkeri, Indur, Arshenágeri and Hungund, included in the Sonda Province, under the Madras Presidency; Yáribudihal, belonging to Chintáman, Ráo Sáheb Sánglikar; Yellápur belonging to Mádhav Ráo Sáheb Mirajkar; and Savanur, Hollanhulli, Chillur, Tobada-Hulikatti Gabbur, Mankatti Jekinkatti, Torur, Siddápur, Yekkikhop, Kobbanur, Vaddinakop, Naikerur, Tendur Manur, Niralkatti, Dommar-Mattur, Mulkerri, Mádápur, Basavankop, Chandápur, Kallivál, Nandinalli, Honnikop and Surapakatti, belonging to the Nawáb of Savanur).

Pargana Nirsangi (with the exception of the villages of Váralgi and Vonikerri, included in the Sonda Province, under the Madras Presidency.

Pargana Taras (with the exception of the villages of Bállinhalli and Kalkeri, included in the Sonda Province, under the Madras Presidency).

Pargana Páchhápur (with the exception of the villages of Bassápur, Haggedáhál, Arlekatti, Serur, Sháhbandar, Islámpur and Ghutguddi, belonging to the Rájá of Kolhápur; Tummarguddi and Harankolla, belonging to Chintáman Ráo Sáheb Sánglikar; and Budihál and Malbemardi belonging to Raghunáth Ráo Sáheb Kurundvádkar).

Pargana Ráne Bennur (with the exception of the village of Man-milár, included in the Bellári District, under the Madras Presidency).

Pargana Rattehalli (with the exception of the village of Ukadgat belonging to the Rájá of Mysore).

Pargana Mausur (with the exception of the villages of Khaváspur and Guladhalli, belonging to the Rájá of Mysore).

Pargana Almella (with the exception of the villages of Haukoánhalli and Murganur, belonging to the Surpur Rájá, Nizám's territories).

Pargana Bardol (with the exception of the village of Umraz, belonging to Govind Ráo Sáheb Patvárdhan).

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[1] *Supra.*

[2] As to land-suits in which such persons are concerned as defendants, *see* Bom. Reg. 16 of 1831.

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] So much of this Regulation as related to the villages of Jálihál, Tingni, Bidri, Hongalhalli, Karjol, Upaldinni, Allásandeh and Boblad was repealed by Act 6 of 1842.

Pargana Tálikott (with the exception of the villages of Bhattnur, Taggartaggi, Allápur, Nagavi-Allápur, Nárayánpur, Holikeri and Vadgerri, belonging to the Surpur Rájá, Nizám's territories).

Pargana Nálátvád (with the exception of the villages of Madlingadhalli, Kol-guda and Bassápur, belonging to the Surpur Rájá, Nizám's territories).

The six (6) tarafs Kárkop, Máradági, Ugargol, Morab, Medlari and Vatnál.

The twenty-two (22) Karyáts, Áminbhávi, Nárendar, Devar-Hubli, Tadkod Ekkundi, Betigera, Ambadgatti, Sampgaon, Bágevadi, Kádarvalli, Golchalli, Nandgad, Halsangi, Kakkeri, Kárlagi, Lokoli, Manoli, Mazti, Yelli-Manoli, Sadalg, Sindogi and Sattigerri.

Karyát Nesargi (with the exception of the village of Madanbhávi belonging to Siddoji Ráo Náik Nimbálkar, Sár-Lashkar *alias* Nipánikar).

Karyát Belvádi (with the exception of the village of Doddvá belonging to Chintáman Ráo Saheb Sánglikar).

Karyát Kabbur (with the exception of the village of Belákod, belonging to Siddoji Ráo Náik Nimbálkar, Sár-Lashkar *alias* Nipánikar).

The five (5) Sammats Tegur, Kalkeri, Kalghatgi, Bommiketti and Tumbs.

The twelve (12) villages under the Fort of Kalánidhigad.

Fort of Hire Gandharvagad and its dependencies.

Fort of Gajendragad and its dependencies.

The five (5) following villages of the pargana Nargund, namely :—

1. Tadáhál,
2. Karkikatti,
3. Auchmatti,
4. Gulugundi,
5. Revadekop.

The thirteen (13) following villages of the pargana Govinkop, namely :—

1. Benkankop,
2. Arshingod,
3. Hanchináll,
4. Hadgali,
5. Kuralgeri,
6. Khánapur,
7. Madgunki,
8. Gobbargumpi,
9. Bettad Kusogal,
10. Harlápur,
11. Govankopp,
12. Mallápur,
13. Jávur.

The four (4) following villages of the pargana Ajamnagar, namely :—

1. Qasba Belgaum,
2. Hindalghi,
3. Sindoli,
4. Mannur.

The eight (8) following villages of the pargana Sháhápur, namely :—

1. Kudchi,
2. Kánábergi,
3. Chandanhosur,
4. Dhamni,
5. Muchandi,
6. Yuldail,
7. Modga,
8. Chandgad.

The village Chikkvadáválli of the pargana Shirhatti.

The seven (7) following villages of the pargana Lakshmeshvar, namely :—

1. Sankilpur,
2. Badni,
3. Vithalpur,
4. Hamigi,
5. Gummágol,
6. Mallikárjunpur,
7. Chákinkeri.

The village of Budihál of the pargana Kundgol.

The village of Algundi of the pargana Máchaknur.

The seven (7) following villages of the pargana Ukli, namely :—

1. Qasba Ukli,
2. Mangoli,
3. Kumatgi,
4. Bissalhál,
5. Nandihál,
6. Yembatnahál,
7. Hattarkihál.

The four (4) villages of the pargana Horti, namely :—

1. Rájanhál,
2. Minchanhál,
3. Tilihál,
4. Kyátankerri.

The six (6) following villages of the pargana Honvád, namely :—

1. *Jálihal*,[1]
2. Rámtirth,
3. Yetinhál,
4. Aráhalli,
5. Kalkavteghi,
6. Ghonasghi.

The three (3) following villages of the pargana Bágevádi, namely :—

1. Qasba Bagevádi,
2. Masbinahál,
3. Yernál.

The nine (9) following villages of the pargana Alni, namely :—

1. Aralhatti,
2. Abihál,
3. Tangarri,
4. Mangsuli,
5. Balgheri,
6. Sambárga,
7. Bomanhál,
8. Madbhávi,
9. Pártanhalli.

The village of Bhahtgunki, of the pargana Halsangi.

The village of Avarkod, of the pargana Garrikokatnur.

The village of Parsalghi, of the pargana Bidari.

The two (2) following villages of the pargana Ghot, namely :—

1. Surpa,
2. *Tingni Bidri*.[1]

The two (2) following villages of the pargana Mulvád, namely :—

1. *Honganhalli*,[1]
2. *Karjol*.[1]

[1] *See* the fourth footnote on p. 32, *supra*.

The seven (7) following villages of the pargana Chimalghi, namely :—

1. Bisalkop,
2. Majrekop,
3. Mukartihál,
4. Golsinghi,
5. Ghani,
6. Siklevádi,
7. Máradghi.

The village of Bhágánagar, of the pargana Sidhánáth.

The three (3) following villages of the pargana Muhammadápur, namely :—

1. Jaynápur,
2. Budeni,
3. *Upaldinni.*[1]

The two (2) following villages of the pargana Terdál, namely :—

1. Sapta Sagar,
2. Khemlápur.

The three (3) following villages of the pargana Mangalvedha, namely :—

1. Kavtholi,
2. Donaj.
3. Amba.

The village Konnur, in the pargana Jamkhandi.

The four (4) following villages of the pargana Vithal Vishrám, namely :—

1. Rájgoti,
2. Kundanur,
3. Supa,
4. Turkevádi.

The six (6) following villages of the pargana Mulgund, namely :—

1. Bandvád,
2. Kanávi,
3. Hossur,
4. Bassápur,
5. Sittaulhari,
6. Seruj.

The four (4) following villages of the taraf Konnur, namely :—

1. Horekop,
2. Hampiholi,
3. Hágnur,
4. Belleri.

The four (4) following villages of the taraf Sánkli, namely :—

1. Kelila,
2. Mendila,
3. Hollada,
4. Tánáli.

The three (3) following villages of the taraf Maneri, namely :—

1. Mirvala,
2. Morula,
3. Vádi.

The two (2) following villages of the taraf Harlápur, namely :—

1. Narsápur,
2. Vobalápur.

The village Rokadkatti of the taraf Bannur.

[1] *See* the fourth footnote on p. 32, *supra*.

The three (3) following villages of the Karyát Asundi, namely :—

1. Asundi,
2. Karekatti,
3. Kurvankop.

The fourteen (14) following villages of the Karyát Huli, namely :—

1. Qasba Huli,
2. Kapli,
3. Manikatti,
4. Belvanki,
5. Kaujgeri,
6. Rottigávád,
7. Adnur,
8. Dáderikop,
9. Bingadákatti,
10. Konkankujhatti,
11. Tuppadákuratti,
12. Yámgal,
13. Hulikatti,
14. Sortur.

The three (3) following villages of the Karyát Ingálhalli, namely :—

1. Nalvadi,
2. Mulláhalli,
3. Sirguppi.

The two (2) following villages of Karyát Hebli, namely :—

1. Qasba Hebli,
2. Sevalli.

The three (3) following villages of the Karyát Adgal, namely :—

1. Nappanhál,
2. Aluknur,
3. Biranhál.

The twenty (20) following villages of the Karyát Sholápur, namely :—

1. Qasba Sholápur,
2. Náganur,
3. Gudikuppi,
4. Hargápur,
5. Karajgi,
6. Shendur Orásing Bazurg,
7. Shenkinhosur,
8. Honnoli,
9. Konankeri Pimpalgaon,
10. Kanagalla,
11. Hitni,
12. Rásingkhurd,
13. Hadalga,
14. Bahirápur,
15. Sankeshvar,
16. Tavdi,
17. Buktialur,
18. Ankla,
19. Bákunhál,
20. Baur.

The nine (9) following villages of the Karyát Sávgaon, namely :—

1. Benodi,
2. Haddanál,
3. Mattivád,
4. Rongnoli,
5. Sulgaon,
6. Bhátnagnur,
7. Audi,
8. Savdalga,
9. Hanchinhal.

The eighteen (18) following villages of the Karyát Laut, namely :—

1. Chinchni,
2. Jettrat,
3. Nahinglej,
4. Hunargi,
5. Siddandal,
6. Yernal,
7. Padlehal,
8. Lakhanapur,
9. Gawhan,
10. Budihal,
11. Kodani,
12. Kurli,
13. Akkol,
14. Muhammadapur,
15. Buddalmukh,
16. Rumtoli,
17. Pangra,
18. Girgaon.

The seven (7) following villages of the Karyat Naiz, namely :—

1. Mauza Chikodi,
2. Peth Chikodi,
3. Galatga,
4. Kotheli,
5. Ammangi,
6. Naiz,
7. Kunnur.

The thirteen (13) following villages of the Karyat Nesri, namely :—

1. Peth Daddi,
2. Auladhal,
3. Attehal,
4. Ramevadi,
5. Bedravadi,
6. Modga,
7. Naganur,
8. Khavnevadi,
9. Shettihalli,
10. Bilki,
11. Salamvadi,
12. Kot.
13. Dhondgatti.

The village Bagani of the Karyat Dudgaon.

The three (3) following villages of the taraf Haveli Bijapur, namely :—

1. Ukmanhal, 2. Kaulga, 3. Ahleabad.

The twenty-six (26) following villages of the Tappa Chandgad, namely :—

1. Qasba Chandgad,
2. Kodoli,
3. Bagalga Dukkarvadi,
4. Sipur,
5. Savarda,
6. Gulvada,
7. Vagothar,
8. Mangaon,
9. Kolindra,
10. Adur,
11. Naundarida,
12. Asgaon,
13. Sula,
14. Hambera,
15. Khamdal,
16. Paurla,
17. Kokara,
18. Isapur,
19. Konevadi.
20. Umgaon,
21. Navga,
22. Philni,
23. Jambera,
24. Nahareli,
25. Bhogoli,
26. Kolindra.

The four (4) following villages of the Prant Raybag, namely :—

1. Akkevat,
2. Naugaz
3. Ingli,
4. Ankali

The twenty-eight (28) following villages of the Prant Miraj, namely :—

1. Hattanur ... Karyat Tasgaon.
2. Kudchi ... } Do. Maisal.
3. Chandur ... }

4.	Qasba Isápur	...	Karyát Isápur.
5.	Chikkalgothan		
6.	Nanbalka		
7.	Bedaga	...	Do. Bedaga.
8.	Gundevádi		
9.	Gaurvád	...	Do. Shirhatti.
10.	Aurvád		
11.	Tákli		
12.	Brahmanál	...	Do. Sángli.
13.	Padamál		
14.	Tung	...	Do. Degraz.
15.	Hingangaon	...	Do. Kávta Máhánkál.
16.	Dhámni	...	Do. Haveli.
17.	Vásamba	...	Do. Kavta.
18.	Zarandi	...	Do. Anjani.
19.	Kaulaga	...	Do. Sávarda.
20.	Karoli	...	Do. Design.
21.	Shipur	...	Do. Ainápur.
22.	Bekiri	...	Do. Jugal.
23.	Rájápur		
24.	Nandikurli		
25.	Kerúr		
26.	Yedúr		
27.	Kalhola		
28.	Sháhápur		

The two (2) following villages of the Pránt Kágal, namely :—

1. Mauzari,
2. *Allásandéh.*[1]

The thirty-eight (38) following villages, not belonging to any particular pargana or other territorial division, namely :—

1. Saundatti,
2. Koteváda,
3. Hálkusugál,
4. Kalkeri,
5. Malligvad,
6. Mugutkhán Hubli,
7. Amrápur,
8. Virápur,
9. Handur,
10. Talvárkop,
11. Márgankop,
12. Kasmalgi,
13. Ambegápur,
14. Bilámarri,
15. Hulginhál,
16. Keárkop,
17. Gázpatti,
18. Gádikop,
19. Hattiholi Khurd,
20. Alagankop,
21. Bogúr,
22. Daustikop,
23. Hutikottal,
24. Badas,
25. Kukkadolli,
26. Jiknúr,
27. Devar Sigehalli,
28. Ettagi,
29. Gandhigvád,
30. Toligi,
31. Qasba Hukeri,
32. Peth Hukeri,
33. Chuláki,
34. Goravbál,
35. Kaggadhál,
36. Gorvankollá,
37. Bassedon,
38. Sindgi.

[1] *See* the fourth footnote on p. 32, *supra*.

BOMBAY REGULATION XIII OF 1830.[1]

[*31st March 1830.*]

Repealed in part by Act 12 of 1873 ;
Repealed in part by Act 12 of 1876 ;
Amended by Act 4 of 1894 ;
Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation for vesting certain jágírdárs, saranjámidárs and inamdárs with the power of deciding suits within the boundaries of their respective estates.

WHEREAS, in accordance with former custom, and in many instances agreeably to original tenure, jágírdárs saranjámidárs and inámdárs have been permitted to exercise civil jurisdiction within their possessions; Preamble.

and whereas it has been considered expedient to continue, by specific enactments, to such persons the power of filing, trying and deciding original suits;

the following rules have been enacted [2]*

1. *First.*—It shall be competent for the [3][Provincial Government] to grant sanads to persons of the description stated in the above preamble, whose names and possessions are enumerated in a list furnished by [4][the Provincial Government], conferring on them authority to try and determine all original suits of whatever amount that may be either filed in their Courts, or may be referred to them by the Agent or Judge. Power to grant sanads to jágírdárs and others, authorizing them to try suits.

Second.—The sanads shall define the territory or jágír over which the jágírdárs' jurisdiction extends, and be drawn out according to the form marked A in the Appendix. Sanads to define jurisdiction.

Third.—Such sanads shall only be granted for life; and without such sanad no jágírdár, saranjámidár or inámdár shall be considered as having the authority to hear and decide civil actions, unless on arbitration or by consent of the parties. Sanads granted only for life.

Fourth.—In granting sanads [4][the Provincial Government] reserves to itself, the right of withholding, and, if issued, of afterwards withdrawing, them, if from any cause such course should be deemed necessary in particular cases. Provincial Government may withhold or withdraw them.

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[1] This Regulation was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay (except as regards the Scheduled Districts *i.e.*, the villages belonging to the following Mehwassi Chiefs :—

(1) The Párví of Káthí.
(2) The Párví of Nál.
(3) The Párví of Singpúr.
(4) The Walwi of Gaohálli.
(5) The Wassáwa of Chikhlí.
(6) The Párví of Nawalpúr.

The Regulation has been declared applicable to Agents of foreign Sovereigns and to certain other persons—*see* Act 15 of 1840.

Every jágírdár and other authority invested with powers under Bom. Reg. 13 of 1830 and Act 15 of 1840 shall, for the purposes of the Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879), be deemed to be a Subordinate Judge of such class as the Provincial Government may from time to time direct, *see* s. 2A of that Act.

Cf. s. 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908).

[2] The words "to have effect from the date of promulgation" in the preamble were repealed by the Repealing Act, 1873 (12 of 1873).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Provincial Government" were substituted for the word "Government, *ibid.*

Persons within jágírdár's jurisdiction to bring disputes before him.

2. *First.*—All persons residing within the jurisdiction of a jágírdár must bring their civil disputes for adjudication before him, unless where the parties mutually agree to the contrary; or where one or the other is an European or American, or where, one being the relation or dependent of the jágírdár, the other objects on that ground.

Suits to be sent to Agent or Judge.

Second.—Suits thus excepted shall be sent up to the Agent or Judge, who will dispose of them either by trying them or by referring them for trial [1]* * * *

Decree to be passed by jágírdár.

Third.—The jágírdár shall pass a written decree recording the proceeding held, and his judgment on every action or suit tried before him.

Decisions of jágírdárs final.

3. *First.*—Decisions passed by the jágírdárs enumerated in the list furnished by [2][the Provincial Government] shall, in conformity with their right and authority by tenure, be final.

Appeal from decisions of other jágírdárs.

Second.—The decisions of all other jágírdárs shall be open to appeal according to the rules regarding appeal if in the first and second class of sardárs of the list provided for by clause second, section 3, [3]Regulation XXIX of 1827 to the Agent for the adjustment of sárdárs' claims; if of the third class of the said list, to the Judge.

Appeal from decisions in appeal.

Third.—Decisions by these authorities in these appeals shall be open to [4][appeal to] the Sadr Diwáni Adálat, when, if the original judgment is confirmed, the amount adjudged or at issue is rupees (1,000) one thousand; if modified or reversed, the amount at issue is rupees (200) two hundred.

Decrees not liable to be set aside for want of form.

Fourth.—Decrees by a Jágírdár shall not be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

Execution of decrees.

4. Jágírdárs shall have authority to execute their own decrees, and application for execution of decrees refused by the jágírdár may be received by the Agent or Judge [5]* * * * *

Special appeals.

5. A special appeal is open in all cases to the Sadr Diwáni Adálat [6]* * * *

APPENDIX A.

(See section 1, clause second.)

Form of Sanad to be granted to a Jágírdár, Saranjámidár, or Inámdár, for deciding suits.

[1] The words "to the [*Deputy*] Agent or Assistant Judge, as the case may be" in s. 2, cl. *second*, were repealed by the Repealing Act, 1873 (12 of 1873).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] *Supra.*

[4] These words were inserted by the Repealing and Amending Act, 1894 (4 of 1894).

[5] The words "and such order be passed thereon as justice and the Regulations may require" were repealed by the Repealing Act, 1876 (12 of 1876).

[6] The words and figures "under the rules provided in Chapter XXII, Regulation IV of 1827, for the admission of special appeals" were repealed by the Repealing Act, 1873 (12 of 1873).

The Honourable [1][the Governor] by virtue of the powers vested in him by Regulation XIII of 1830, is pleased hereby to confer on you jágírdár (*or* as the case may be) power to receive, try and decide all such original suits as may be preferred to you for moveable or immoveable property, of whatever amount, or referred to you by the Agent or Judge, whereof both parties, or the defendant or defendants, in such suits shall be resident within the boundary of your jágir, etc., as hereafter defined; provided such parties shall not mutually agree to the contrary; or one or other of them shall not be an European or American; or, being your own relation or dependent, the adverse party shall not object on that account.

The boundaries of your jágir, over which your jurisdiction, as above set forth, extends, are hereby defined to be

The within-delegated power is vested in you during the pleasure and subject to the recall of the Honourable [1][the Governor].

[1] The words "the Governor" were substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

BOMBAY REGULATION I OF 1831.[1]

[*5th January 1831.*]

Repealed in part, by Act 12 of 1873;
Amended by Bom. Reg. 16 of 1831;
Amended by Act 13 of 1842;
Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation for extending the jurisdiction of the Agent of [2][the Provincial Government], acting under the provisions of section 4, [3]Regulation XXIX of 1827, over suits in which persons of rank of the privileged classes are concerned, and which are now cognizable by the Collectors of land-revenue.

Preamble.

WHEREAS it has been deemed expedient to extend the jurisdiction of the Agent of [2][the Provincial Government] acting under the provisions of section 4, [3]Regulation XXIX of 1827, to suits connected with land, its rent and produce, wherein persons of rank of the privileged classes established by that Regulation are concerned; the following rules have accordingly been enacted [4]* * * * *

Suits connected with land, rent and produce, which are cognizable by Agent.

1. [4]* * * * * Suits connected with land, its rent and produce wherein persons of rank of the privileged classes established by [3]Regulation XXIX of 1827 are [5]concerned, [4]* * * * * shall hereafter be cognizable only [6]by the Agent of [2][the Provincial Government] acting under the powers vested in him by section 4, [3]Regulation XXIX of 1827, and under the same rules as are prescribed for his guidance in other cases.

Second.—[Pending suits.] Rep. Act XII of 1873.

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[1] As to the application of this Regulation in certain territory, *see* Bom. 3 of 1863, section 4, and Bom. 14 of 1866, section 3.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] *Supra.*

[4] The words "to have effect from the date of promulgation" in the preamble, the words "*First*, it is hereby declared that" and the words and figures "and which under the provisions of section XXXI of Regulation XVII of 1827 are within the jurisdiction of Collectors of land-revenue" in section 1, cl. *first*, were respectively repealed by the Repealing Act, 1873 (12 of 1873).

[5] As to defendants—*see* Bom. Reg. 16 of 1831, section 2.

[6] Also by the Political Agent in the Southern Maratha Country—*see* Bom. Reg. 16 of 1831, section 1. Also by the Collector and his Assistants—*see* Act 13 of 1842, section 6, which, however, is repealed by the Bombay Land Revenue Code, 1879 (Bom. 5 of 1879) wherever that Code is in force.

BOMBAY REGULATION XVI OF 1831.[1]

[*14th September 1831.*]

Repealed in part by Act 12 of 1873 ;

Adapted and modified by the Adaptation of Indian Laws Order in Council.

A Regulation for extending the jurisdiction vested in the Political Agent in the Southern Maratha Country, under the provisions of section 5, [2]Regulation VII, A. D. 1830, to the cognizance of civil suits of the nature specified in [2]Regulation I, A. D. 1831, and also for the better defining the extent of jurisdiction therein conferred with respect to persons of the privileged classes.

WHEREAS it has been deemed expedient to extend to the Political Agent in the Southern Maratha Country, as Agent of [3][the Provincial Government], the cognizance of suits of the nature specified in [2]Regulation I, A. D. 1831, and to define more expressly the extent to which such suits shall be cognizable before the Agent of [3][the Provincial Government], the following rules have therefore been enacted [4]* * * * Preamble.

1. [4]* * * * Suits of the nature specified in clause first, section 1, [2]Regulation I, A. D. 1831, shall also be cognizable before the Political Agent in the Southern Maratha Country, as Agent of [3][the Provincial Government] and shall be tried by him in the same manner, and under the same rules, as are prescribed for his guidance in section 5, [2]Regulation VII, A. D. 1830. Suits cognizable before Political Agent of Southern Maratha Country.

2. And it is further explained with reference to clause first, section 1, [2]Regulation I, A. D. 1831, that such suits shall be cognizable before the Agents of [3][the Provincial Government] only when the persons of the rank of the privileged classes shall in the original suit stand in the relation of defendants. Bom. Reg. 1, 1831, section 1, clause I, explained.

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[1] As to the application of this Regulation in certain territory, *see* Bom. 3 of 1863, section 4, and Bom. 14 of 1866, section 3.

Cf. s. 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908).

[2] *Supra.*

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "to have effect from the date of promulgation" in the preamble and the words "It is hereby enacted that" in section 1, were repealed by the Repealing Act, 1873 (12 of 1873).

PART II

Local Acts of the Governor General in Council in force in Bombay

ACT No. XIX OF 1835.[1]

[THE DEKKHAN ASSISTANT AGENT'S APPOINTMENT ACT, 1835.]

[*9th November 1835.*]

Repealed in part and amended by Act 12 of 1891.

Adapted and modified by the Adaptation of Indian Laws Order in Council,

BE it enacted, that it shall be competent for the [2][Provincial Government] of Bombay to appoint the Assistant Judge of the Zila Court of Puna to be Assistant to the Agent[3] for Sardárs in the Dekkhan ;

Appointment and powers of Assistant to Agent for Sardars in Dekkhan.

and it shall be competent to the Agent for Sardárs to refer to his Assistant original suits against Sardárs for amounts not exceeding five thousand rupees [4]* * * * * * * * ;

and every decree of the Assistant shall be open to an appeal to the Agent within (30) thirty days from the date of the decree ; and every decision of the Agent on such appeal shall be open to a special appeal [4]* * * * to the [2][Provincial Government], or to the Sadr Adálát, according as the rank of the Sardár may subject him to the jurisdiction of either authority : Provided that such last-mentioned appeal shall be brought within (90) ninety days after the date of the decree of the Agent.

[5][2. The provisions of the [6]Code of Civil Procedure relating to appeals to a High Court from decrees passed in appeal shall apply, so far as may be, to appeals to the [2][Provincial Government] under this Act.]

Procedure in appeal to Provincial Government.

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[1] *Cf.* s. 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908).

The short title was given by Bom. 2 of 1921.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] As to the Agent, *see* Bom. Reg. 29 of 1827, s. 4, clause *first*.

[4] The words "and in the trial of such suits the Assistant shall follow the same rules which are now applicable to the Agent" and the words and figures "under the provisions of Chapter XXII, Regulátion IV of 1827 of the Bombay Code" were repealed by the Repealing and Amending Act, 1891 (12 of 1891).

[5] S. 2 was added by the Repealing and Amending Act, 1891 (12 of 1891).

[6] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908).

THE BOMBAY COURTS OF ADALAT ACT, 1838.

CONTENTS.

Sections.

1. Suit to be brought in Civil and not Revenue Courts.

2. Procedure on suits being presented to superior Court doubting its jurisdiction.

3. And in Subordinate Court so doubting.

4. Transfer of suit entered in Court not having jurisdiction.

5. Procedure on Court of Appeal finding original suit was decided in wrong Court.

6. [*Repealed.*]

ACT No. XVI OF 1838.[1]

[THE BOMBAY COURTS OF ADALAT ACT, 1838.]

[*23rd July 1838.*]

Repealed in part, by Act 14 of 1870;
" " " " " 16 of 1874;
" " " " " 10 of 1876;
" " " " Bom. 2 of 1866;
" " " " " 3 of 1876.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

1. *First.* [2]* * * * * In the [3][Province] of Bombay, all suits in regard to tenures, and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all suits in which the right to possession of land [4]* * * * * is claimed, shall be brought in the Courts of Adalat and the Courts subordinate thereto, and not in the Courts of revenue. Suit to be brought in Civil and not Revenue Courts.

Second.—[*Summary jurisdiction of Revenue Courts in giving possession.*] *Rep. Bom. III of 1876.*

Third.—[*Saving of certain jurisdiction of Revenue Courts.*] *Rep. Bom. II of 1866.*

2. [5]* * * * * If a suit be presented in the Court of a Judge or Collector, which such Judge or Collector shall not deem within his jurisdiction, the party presenting such suit shall be referred by the Court in which it may be first presented to that in which, in the opinion of such Court, the jurisdiction lies, and the latter Court shall, in the event of its doubting its jurisdiction in the case, refer the question of jurisdiction to the Sadr Diwáni Adàlat, whose decision on the point shall be final. Procedure on suits being presented to superior Court doubting its jurisdiction:

3. [5]* * * * * If a suit be presented in any Court subordinate to the Court of a Judge or Collector, which suit such subordinate Court shall not deem to be within its jurisdiction, such subordinate Court shall submit the case to the Judge's and in subordinate Court so doubting.

[1] This Act was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs:—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

The short title was given by Bom. 2 of 1921.

[2] The words and figures "It is hereby enacted, in modification of the rules contained in Chapter VII, Regulation XVII of 1827 of the Bombay Code, that" were repealed by the Repealing Act, 1870 (14 of 1870).

[3] This word was substituted for the original words by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[4] The words "or of the wuttuns of hereditary district or village officers" were repealed by the Bombay Revenue Jurisdiction Act, 1876 (10 of 1876).

[5] The words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874).

or Collector's Court to which such subordinate Court is subordinate; and, if the superior Court to which the case is so submitted shall be of opinion that such subordinate Court has jurisdiction in the case, such superior Court shall direct such subordinate Court to proceed with the case; and, if such superior Court shall be of opinion that such subordinate Court has not jurisdiction in the case, such superior Court shall proceed in the manner directed in the last preceding section.

Transfer of suit entered in Court not having jurisdiction.

4. [1]* * * * * Whenever a Court of Adàlat or a Revenue Court shall have entered on its file, under this Act, a suit in which it has not jurisdiction, it shall be competent to the Sadr Diwàni Adalàt, either on a reference from the Judge or Collector, (as the case may be), or on application from the parties, to direct that the suit be transferred, with all the proceedings which may have taken place therein up to the period of transfer, to the Court possessing jurisdiction, which shall proceed therewith as if the suit had been originally filed in that Court.

Procedure on Court of Appeal finding original suit was decided in wrong Court.

5. [1]* * * * When any Court trying an appeal finds that the action was originally brought and decided in a Revenue Court, when it ought to have been brought and decided in a Court of Adàlat, or a Court subordinate thereto, or that the action was originally brought and decided in a Court of Adàlat, or a Court subordinate thereto, when it ought to have been brought and decided in a Revenue Court, the Court trying the appeal shall, instead of quashing the whole proceedings, annul only the decree and refer the suit to be tried in the Court to which the jurisdiction properly belongs [2]* * * * * * * *; and the Court trying any such case referred under the foregoing section shall take further pleadings, exhibits and evidence only if it deem such necessary, and shall pass a new decree [2]* * * * * *.

6. [*Pending suits and appeals.*] *Rep. Act XVI of 1874.*

[1] The words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874).

[2] The words "without further costs of stamps to the parties, except on new exhibits, if any such should be allowed to be filed", and the words "but if an appeal be made from such new decree the party originally bringing the appeal, then the decree of the Court trying such new appeal shall be passed without the cost of a new stamp on the petition of appeal to that party" were repealed by the Repealing Act, 1870 (14 of 1870).

THE BOMBAY COASTING-VESSELS ACT, 1838.

CONTENTS.

SECTIONS.

1. [*Repealed.*]

2. Rules as to coasting and other vessels belonging to Queen's subjects.

3. Marking or branding vessels with name of place and number.
Owner to paint name and number.

4. Registry of name, number and burthen.
Registry by whom to be made.
Fresh registration.

5. Owners to apply for registry.
Information of registry at subordinate port.

6. Officers to perform duty of marking and branding.

7. Owner to obtain certificate of registry.
Replacing lost certificate.

8. Sealing certificate.

9. [*Repealed.*]

10. Fees for certificates.

11 Fees to be credited to Central Government.

12. Production of certificate on demand.

13. Penalty for neglect to comply with rules.
Recovery of penalties.
Penalty on repetition of default.

14. Power to direct compensation for trouble in seizing.

15. [*Repealed.*]

SCHEDULE.

ACT No. XIX OF 1838.[1]

[THE BOMBAY COASTING-VESSELS ACT, 1838.]

[*27th August 1838.*]

Repealed in part, by Acts 14 of 1870 ; 16 of 1874 ; 12 of 1876.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

1. [*Repeal of enactments.*] *Rep. Act XIV of 1870.*

2. [2]* * * * * * The following rules shall be in force with respect to vessels belonging to any of Her Majesty's subjects residing within the [3][Province] of Bombay, and employed on the coasts of the [3][said Province] or in trading coast-wise, as also with respect to fishing-vessels and harbour-craft belonging to any of the same Her Majesty's subjects. Rules as to coasting and other vessels belonging to Queen's subjects.

3. [2]* * * * * * Every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same by the officer authorised to make such registry as is hereinafter mentioned ; Marking or branding vessels with name of place and number.

and the owner or owners of such vessel employed as aforesaid, fishing-vessel and harbour-craft shall cause such name and number to be painted in black paint upon a white ground on each quarter of such vessel employed as aforesaid, fishing-vessel and harbour-craft, in English figures and letters, each figure and letter being six inches in length. Owner to paint name and number.

4. [4]* * * * * * The name and number of every such vessel employed as aforesaid, fishing-vessel and harbour-craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book to be kept for that purpose by the person hereinafter directed to make such registry. Registry of name, number and burthen.

At Bombay such registry shall be made by the Master-Attendant, and at other places within the said [5][Province] by the Collector of Sea-Customs at such places respectively, or by such other person as shall be appointed by the [6][Central Registry by whom to be made.

[1] This Act was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, *i.e.*, the villages belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

The short title was given by Bom. 2 of 1921.

[2] The words and figures "And it is hereby enacted, that from the said first day of November, 1838" and the words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874).

[3] The words "Province" and "said Province" were substituted for the original words by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[4] The words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874).

[5] This word was substituted for the original word by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[6] The words "Central Government" were substituted for the words "Government of Bombay" by the Adaptation of Indian Laws Order in Council.

Fresh registration.

Government] to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing-vessel or harbour-craft, or in the name or names of the owner or owners thereof, such registry shall be made again:

Provided, however, that it shall not be lawful to give any name to such vessel employed as aforesaid, fishing-vessel or harbour-craft, other than that by which she was first registered.

Owners to apply for registry.

5. [1]* * * * The owner or owners of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall apply to the person authorized to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid.

Information of registry at subordinate port.

And whenever such vessel employed as aforesaid, fishing-vessel or harbour-craft is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the Master-Attendant at Bombay.

Officers to perform duty of marking and branding.

6. [1]* * * * * The duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft, at Bombay, shall be performed by the Master-Attendant; and at all other places within the [2][Province] of Bombay, the duty of marking or branding and of ascertaining the burthen of such vessels employed as aforesaid, fishing-vessels and harbour-craft shall be performed by the Collector of Sea-Customs at such places respectively, or by such other persons as shall be appointed by the [3][Central Government] to act at such places respectively, in the execution of this Act.

Owner to obtain certificate of registry.

Replacing lost certificate.

7. [1]* * * * * The owner or owners of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall apply for and obtain a certificate of registry from the person authorised to make such registry as aforesaid, and such certificate shall be in the form specified in the Schedule appended to this Act; and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner and on payment of the fees hereinafter mentioned.

Sealing certificate.

8. [1]* * * * * Such certificate of registry shall be sealed with the seal of the East India Company, and shall be signed by the person authorised to make such registry.

9. [*Dates for commencement of certificate and registration.*] *Rep. Act XII of 1876.*

Fees for certificates.

10. [1]* * * * * The owner or owners of such vessels employed as aforesaid (fishing-vessels and harbour-craft being excepted), on being registered as aforesaid, shall pay—

for each certificate of registry for a vessel not exceeding 20 Bombay khandis burthen, the fee of	1	rupee.
for each certificate for a vessel exceeding 20 such khandis burthen, and not exceeding 100 khandis burthen ..	5	rupees.
for each certificate for a vessel exceeding 100 such khandis burthen and not exceeding 400 khandis burthen ..	7	rupees.
and for each certificate for a vessel of 100 tons or greater burthern, per ton	2	annas.

[1] The words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874).

[2] This word was substituted for the original words by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[3] The words "Central Government" were substituted for the words "Government of Bombay" by the Adaptation of Indian Laws Order in Council.

11. [1]* * * * * The person or persons so authorized to make such registry as aforesaid shall receive the fees payable for the same, and shall pay such fees to such officer as [2][the Central Government] shall appoint; the same to be carried to the credit of [3][the Central Government]. Fees to be credited to Central Government.

[4]Provided that any such fees as immediately before the commencement of Part III of the Government of India Act, 1935, were under this Act as then in force to be carried to the credit of the local Government shall be paid to such officer as the Provincial Government may appoint and be carried to the credit of that Government.

12. [1]* * * * * The owner or owners or commander of every such vessel employed as aforesaid, fishing-vessel and harbour-craft shall produce, on demand thereof, by any officer of the Customs within the said [Province] or by any officer of the [6]* Navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid fishing-vessel or harbour-craft, as abovementioned. Production of certificate on demand.

13. [1]* * * * * * In case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be so marked or branded in all respects as hereinbefore directed, or in case the name and number of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing-vessel or harbour-craft, in all respects as hereinbefore directed; Penalty for neglect to comply with rules.

or in case any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall not produce such certificate on demand thereof as hereinbefore directed;

the owner or owners of every such vessel employed as aforesaid shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificate of the registration of which any fee is payable; and the owner or owners of any such fishing-vessel or harbour-craft shall be subject to a fine of ten rupees;

which fines may be recovered on conviction before any Magistrate [7]* * * * * having jurisdiction within the said [5][Province] by sale of such vessel, fishing-vessel or harbour-craft, her furniture, ammunition, tackle and apparel; Recovery of penalties.

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[1] The words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874).

[2] The words "the Central Government" were substituted for the words "the Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Central Government" were substituted for the words "the Government of Bombay", *ibid.*

[4] This proviso was inserted, *ibid.*

[5] This word was substituted for the original word by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[6] The word "Indian" was repealed by the Repealing Act, 1876 (12 of 1876).

[7] The words "Justice of the Peace, or person exercising the powers of a Magistrate" were repealed, *ibid.*

Penalty on repetition of default.

and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing-vessel or harbour-craft shall make such default as aforesaid : Provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

Power to direct compensation for trouble in seizing.

[1]* * * * * The [2][Central Government] may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing-vessel or harbour-craft, guns, furniture, tackle, ammunition and apparel, as last mentioned, to be made, out of the proceeds of such seizure to the person or persons who shall have seized the same, to such amount, in such manner and in such shares or proportions, as to the said [2][Central Government] shall seem meet.

15. [*Port-clearance.*] *Rep. Act XII of 1876.*

SCHEDULE.

This is to certify that (*here insert the names, occupation and residence of the owners*) having declared that (he *or* they) are sole owner or owners of the vessel (fishing-vessel *or* harbour-craft) called (*the name*) which is of the burthen of (*number of Bombay khandis*) and that the said vessel (fishing-vessel *or* harbour-craft) was (*where and when built*), the said vessel (fishing-vessel *or* harbour-craft) has been duly registered at the port of (*name of port*).

Certified under my hand.

(*Signature of Officer.*)

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[1] The words "And it is hereby enacted, that" were repealed by the Repealing Act, 1874 (16 of 1874).

[2] The words "Central Government" were substituted for the words "Governor of Bombay in Council" and "Governor in Council" by the Adaptation of Indian Laws Order in Council.

THE BOMBAY HAQQA PROHIBITION ACT, 1839.

CONTENTS.

SECTIONS.

1. Power to prohibit levy of haqqs, fees and customs.
2. Past and future prohibitions not to be questioned by any Court.
3. Penalty for levy after prohibition.
4. Interpretation.

ACT No. XX OF 1839.[1]

[THE BOMBAY HAQQA PROHIBITION ACT, 1839.]

[*29th July 1839.*]

Repealed in part, by Act 16 of 1874 ;

Amended, by Act 4 of 1894.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

1. [2]* * * * * It shall be lawful for the [3][appropriate Government] to issue orders prohibiting the levy of haqqs and fees of every description, and customs, whether by land or sea, enjoyed by holders of rent-free lands or other persons, and of alienated shares of any item of revenue after the abolition or relinquishment thereof by Government. Power to prohibit levy of haqqs, fees and customs.

2. [2]* * * * * The legality of any orders which may have been heretofore issued, or of any orders which, conformably with this Act, hereafter shall be issued, by the [3][appropriate Government], for prohibiting the levy of any such haqqs, or fees, customs or alienated shares of any such item of revenue as aforesaid, shall not be questioned in any Court of law. Past and future prohibitions not to be questioned by any Court.

3. [2]* * * * * Whoever shall levy any such haqq, fee, customs or item of revenue after any such order prohibiting the same as aforesaid shall have been published in the [4][Official Gazette], and by notice fixed at the post or place at which it has heretofore been claimed or collected or called [5][shall, whether he is or is not a Revenue-officer [6][of the Crown], be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine not exceeding ten times the amount of the sum so levied]. Penalty for levy after prohibition.

[7]**4.** In this Act "the appropriate Government" means the Central Government or the Provincial Government according as the matter in question falls within List I, or Lists II and III, in the Seventh Schedule to the Government of India Act, 1935. Interpretation.

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[1] This Act was declared, by the Laws Local Extent Act, 1874 (15 of 1874), section 5, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

The short title was given by Bom. 2 of 1921.

[2] The words "It is hereby declared and enacted, that" in section 1 and the words "and it is hereby enacted, that" in sections 2 and 3 were repealed by the Repealing Act, 1874 (16 of 1874).

[3] The words "appropriate Government" were substituted for the words "Governor in Council of Bombay" by the Adaptation of Indian Laws Order in Council.

[4] The words "Official Gazette" were substituted for the words "Government Gazette of the Presidency of Bombay", *ibid.*

[5] This port on was substituted for the words and figures "shall be punishable as for an undue exaction under Regulation XVII of 1827, section XVI, of the Bombay Code, notwithstanding the offender be not a Revenue officer of Government" by the Amending Act, 1894 (4 of 1894).

[6] The words "of the Crown" were substituted for the words "of Government" by the Adaptation of Indian Laws Order in Council.

[7] Section 4 was inserted, *ibid.*

ACT No. XV OF 1840.[1]

[THE BOMBAY REGULATION XIII OF 1830 (APPLICATION) ACT, 1840.]

[*29th June 1840.*]

Repealed in part, by Act 16 of 1874.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An Act for extending Regulations XV of 1827[2] *and XIII of 1830*[3] *of the Bombay Code to the Agents of foreign Sovereigns.*

Extension of Bom. Reg. XIII of 1830 to Agents of foreign Sovereigns and others.

IT is hereby enacted that the provisions of Regulations *XV* of 1827[2] and XIII of 1830[3] of the Bombay Code be made applicable to the Agents of foreign Sovereigns having lands and possessions in the [4][Province of Bombay], and to guardians and such other individuals as the [5][Provincial Government] may consider it expedient to invest with the powers contained in the aforesaid Regulations: Provided that in all cases the authority conferred shall be revocable at the discretion of the [5][Provincial Government].

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[1] This Act was declared by the Laws Local Extent Act, 1874 (15 of 1874), section 5, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

The short title was given by Bom. 2 of 1921.

Every jágirdár and other authority invested with powers under Bom. Reg. 13 of 1830 and Act 15 of 1840 shall, for the purposes of the Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879), be deemed to be a Subordinate Judge of such class as the Provincial Government may from time to time direct—*see* Act 17 of 1879, section 2A.

Cf section 4 of the Code of Civil Procedure, 1908 (Act 5 of 1908).

[2] Act 15 of 1840, so far as it relates to Bom. Reg. 15 of 1827, was repealed by the Repealing Act, 1874 (16 of 1874).

[3] *Supra.*

[4] These words were substituted for the original words by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[5] The words "Provincial Government" were substituted for the words "Governor in Council of Bombay" by the Adaptation of Indian Laws Order in Council.

ACT No. XIX OF 1844.[1]

[THE BOMBAY TOWN-DUTIES ABOLITION ACT, 1844.]

[*14th September 1844.*]

An Act for abolishing town-duties and mukáts, and all taxes upon trades and professions, within the Presidency of Bombay.

IT is hereby enacted that, from the first day of October, 1844, all town-duties, kasab veras, muhtarafas, baluteh taxes and cesses of every kind on trades or professions under whatsoever name levied within the Presidency of Bombay and not forming a part of the land-revenue, shall be abolished. Abolition of town-duties and taxes.

[1] This Act was declared, by the Laws Local Extent Act, 1874 (15 of 1874), section 5, General Acts, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, *i.e.*, the villages belonging to the following Mehwassi Chiefs:—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

The short title was given by Bom. 2 of 1921.

THE BOMBAY RENT-FREE ESTATES ACT, 1852.

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ACT No. XI OF 1852.[1]

[THE BOMBAY RENT-FREE ESTATES ACT, 1852.]

[*13th February 1852.*]

Phone:
M. R. Pattanshetti.
Ex M. L. A.
GULEDGULD,
Dist. Bijapur

Repealed in part by Act 16 of 1875;
" " " " " 10 of 1876;
" " " " " 4 of 1894.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act for the Adjudication of Titles to Certain Estates claimed to be wholly or partially Rent-free in the Presidency of Bombay.

WHEREAS in the territories of the Dekkhan, Khandesh and Southern Marátha Country, and in other districts more recently annexed to the Bombay Presidency, claims against Government on account of inàms and other estates wholly or partially exempt from payment of land-revenue are excepted from the cognizance of the ordinary Civil Courts [2]* * *; Preamble.

and whereas it is desirable that the said claims should be tried and determined without further delay;

It is declared and enacted as follows:—

1. [*Rules not applicable to certain districts.*] *Rep. Act IV of 1894.*

2. The [3][Provincial Government] may appoint in any zila or other division of the territories subject to the Presidency of Bombay, which were not brought under the general Regulations of Government by [4]* * * Regulation [5]XXVIII of 1827, an Inám Commissioner with so many Assistants, and such subordinate establishment, as may be necessary for the purposes hereinafter mentioned. Power to appoint Inám Commissioner with Assistants and establishment.

3. The duties of each Inám Commissioner and his Assistants shall be discharged according to the rules in Schedule A annexed to this Act. Duties how discharged.

4. In the adjudication of claims to exempt lands or interests therein, the titles of claimants shall be determined by the rules in Schedule B annexed to this Act. Determination of titles of claimants to exemption.

5. Each Inám Commissioner and his Assistants shall have the same authority to procure the attendance of witnesses, and to take evidence, as now is, or from time to time may be, by law vested in the ordinary Civil Courts; and so far as concerns the penalties for not giving evidence, for false testimony, for resistance of process, contempts and other like matters connected with cases under cognizance by any Powers to enforce attendance of witnesses, to take evidence, etc.

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[1] As to the application of this Act, *see* the Bombay Land-revenue Code, 1879 (Bom. 5 of 1879), section 127.

The short title was given by Bom. 2 of 1921.

[2] The words and figures "and incapable of being justly disposed of under the rules for the determination of titles and the rules of procedure contained in Chapters IX and X of Regulation XVII of 1827 of the Bombay Code and their supplements" were repealed by the Repealing and Amending Act, 1894 (4 of 1894).

[3] The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "the said" were repealed by the Repealing and Amending Act, 1894 (4 of 1894).

[5] Bom. Reg. 28 of 1827 was repealed by the Repealing Act, 1873 (12 of 1873).

one of the said officers, his office shall be held to be a Court of civil jurisdiction of the same authority as the superior Civil Court of the zila or district in which his office from time to time shall be established :

Complaints against, or appeals from proceedings of Commissioner and Assistants.

Provided that all complaints against, or appeals from, the proceedings of the Inám Commissioner or any of his Assistants in exercise of the authority conferred on them respectively by this section, shall be made under the second rule of Schedule A annexed to this Act : and shall not be cognizable by any other authority or in any other manner than as therein specified.

Punishment of misconduct of officers on Commission.

6. Bribery, extortion, and generally all acts of abuse or misapplication of authority, or other misconduct, committed by any officer belonging to the establishment of the Inám Commission, or temporarily employed therein under the provisions of this enactment, shall be punishable as criminal offences with fine and ordinary imprisonment without labour for a period not exceeding five years, and the receipt of a present, directly or indirectly, by any such officer from any person against whom or in whose behalf he may be officially employed, shall be considered extortion.

Extortion defined.

Other prosecution not barred.

And no penalty or punishment adjudicated under this clause shall preclude any other civil prosecution to which the offender may be liable.

7. [*Jurisdiction of Courts barred.*] *Rep. Act X of 1876.*

SCHEDULE A.

Rules for Defining the Duties of each Inam Commissioner and his Assistants.

Duty defined.

1. The duty of the Inám Commissioner and his Assistants shall be to investigate, in the manner prescribed by this enactment, the titles of persons holding or claiming against Government the possession or enjoyment of ináms or jágirs, or any interest therein, or claiming exemption from the payment of land-revenue, and generally to act according to the instructions [1][of the Provincial Government] in all matters not specifically provided for in this enactment.

Appeal from orders of Assistant Commissioners and Commissioner.

2. All orders of the Assistant Commissioners shall be appealable to the Inám Commissioner, who shall also have the authority of revising and of modifying, reversing or annulling, if necessary, their orders and proceedings, and the orders and proceedings of the Inám Commissioner shall be in like manner appealable to, and subject to modification, reversal or annulment by, [2][the tribunal constituted under section 296 (2) of the Government of India Act, 1935], [3][orders of which] shall in every case be final.

Duty to receive statements of title.

3. The Inam Commissioner or his Assistants shall receive from the persons, holding or claiming to hold lands or any interest therein exempt from the payment

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[1] The words "of the Provincial Government" were substituted for the words "of Government" by the Adaptation of Indian Laws Order in Council.

[2] The words, figures and brackets "the tribunal constituted under section 296 (2) of the Government of India Act, 1935" were substituted for the words "the Governor of Bombay in Council", *ibid.*

[3] The words "orders of which" were substituted for the words "whose orders", *ibid.*

of revenue, statements explaining the nature of the title by which the lands or interests are so held, and shall take and record the evidence offered in support of such statements. and record evidence in support.

4. These statements may be received either directly by the officers of the Inám Commission, or through the medium of the revenue-authority of the táluqa in which the land or interest so held or claimed as exempt is situated, or in which the alleged proprietor resides, without any previous procedure, except a general invitation to such landholders of a district who shall hold or claim to hold lands exempt as aforesaid to state the nature of their titles. Statements how received.

5. But, when such general invitation is not sufficiently attended to, a notice may be issued to any party holding or claiming to hold any lands or any interest therein wholly or partially exempt as aforesaid, requiring him, personally or by his agent, to show his title. Notice when to issue.

The notice issued in such cases shall state the nature of the investigation which is intended, and shall call upon the alleged proprietor of the exempt lands or interest, held or claimed to be held exempt as aforesaid, to attend either personally or by an authorized agent, at a specified place, and within a specified period (which shall never be less than two months from the date of the notice being served), to explain the nature of his title to hold such lands or interest exempt as aforesaid, and to produce all the evidence forthcoming to prove it. Contents of notice.

The notice shall further explain that a failure to comply with its terms will render the land, or interest to which it relates, liable to attachment.

6. The notice shall be served upon the party holding or claiming to hold the land or interest exempt as aforesaid, or, if his place of residence be not known, upon the person acting for him, or, in default of such, upon the person in charge of the land or interest. Service of notice.

7. If such persons cannot be found, a notice shall be posted in the office of the Native Revenue-officer of the district, and in the chauri, or most public place of the village where the land or interest under inquiry is situated, calling on any person who may claim as proprietor to appear, either personally, or by his agent, to prove his title within six months from the date of the notice, under penalty of the attachment of the land or interest, and, on failure of the appearance of a claimant, the land or interest shall be liable to attachment. Posting notice when landholder not found

8. The attachment provided for by rules 5 and 7 shall be enforced by the Collector or chief revenue-authority of the district in which the land to which it relates is situated, at the written requisition of the Inám Commissioner or his Assistant, which shall be a sufficient warrant to the Collector for the attachment of the land, and for the collection of the rents accruing therefrom on account of Government during its attachment. Attachment by whom enforced.

9. As soon as possible after the receipt of the statements in each district and of the evidence by which they are supported, they shall be tested by the entries in the Government accounts and State records, and by any other evidence procurable, whether in favour of Government or of the claimants, and decisions shall then be passed on them as to the continuance, resumption or full or partial assessment of the lands. Procedure on receipt of statements and evidence of title.

Procedure on failure of notice to procure attendance.

10. In cases where the notices provided for in sections 5 and 7 fail to procure the attendance of the persons to whom they are addressed, and no claimant appears to prosecute his claim, the Commissioner or Assistant Commissioner shall proceed to ascertain the facts of the case from such evidence as may be forthcoming or procurable, and shall pronounce such decision thereupon as to him shall seem just regarding the lands or interests to which the notices referred.

Removal of attachment.

Restoration to proprietors of rents collected.

11. An attachment enforced under rule 8 shall be removed by the Collector or chief revenue-authority by whom it was made, on receipt of a communication from the Inám Commissioner or his Assistant, certifying that he considers the attachment to be no longer necessary; but the rents collected from the land during its attachment shall in no case be restored to the alleged proprietor, except under the general or special instructions [1][of the Provincial Government].

Copies of decisions to be delivered to claimants. Copies of decisions made in their absence how dealt with.

12. Certified copies of decisions, made according to the provisions of rule 9, shall be delivered, as soon as possible after each decision is passed, to the persons on whose claims the decision shall have been pronounced, or their agents; and copies of all decisions made in the absence of any claimant according to the provisions of rule 10 shall be sent to the mámlatdár, or other revenue-manager of the táluq in which the lands to which they relate are situated, who shall deliver them to the parties affected by them, should they be discoverable, or otherwise cause them to be publicly posted in the village to which the lands in question belong.

Execution of decision.

13. Decisions affecting any lands or any interests therein passed under this enactment shall be carried into execution by the Collector or chief revenue-authority of the district in which the lands to which they relate are situated at the requisition of the Inám Commissioner or his Assistant, in any manner which may, from time to time, be prescribed by [2][the Provincial Government].

Procedure in appeal.

Setting aside decrees.

14. In all cases where a person may be desirous of appealing against any decision of the Inám Commissioner or his Assistants, he shall apply by a petition, addressed to the authority by whom, according to rule 2, his appeal is cognizable, which petition shall be presented to such authority within one hundred days from the date of the decree appealed against, a copy of which must accompany the petition of appeal, and no appeal which is not so made shall be admitted, without proof of the existence of a just and necessary cause for its not having been preferred in due time; and it is hereby provided that no decree passed by the Inám Commissioner or any of his Assistants shall be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

SCHEDULE B.

Rules for the Adjudication of Titles to Estates claimed as Inam or exempt from payment of Land-revenue.

Continuance of ináms already declared permanent.

1. All lands held under a specific and absolute declaration by the British Government, or any competent officer acting under it, that they were to be continued hereditarily or in perpetuity exempt, wholly or partially, from the payment of revenue, are to be so continued according to the purport of such declaration.

[1] The words "of the Provincial Government" were substituted for the words "of Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the words "the Governor of Bombay in Council", *ibid.*

Provision 1st.—If any question shall arise as to the competency of the officer to make or give such declaration as aforesaid, the Commissioner or Assistant Commissioner is to suspend his judgment, and report the circumstances of the case to [1][the Provincial Government], to [2][which] a power is hereby reserved of determining finally whether such officer was competent to make or give such declaration, and the Commissioner or Assistant Commissioner, upon receiving the determination of [1][the Provincial Government], shall decide accordingly.

Disposal of question as to competency to make declaration.

2. Any land held under a sanad declaring it to be hereditary shall be so continued according to the terms of the sanad.

Continuance of holding under sanad declaring it hereditary, where granted by competent authority.

Provision 1st.—Provided that the grant was either made, or specifically recognised, by authority competent to alienate Government revenue in perpetuity, the question of which recognition and competency is to be referred to and determined [3][by the Provincial Government] in the manner prescribed by provision 1st, rule 1.

Provision 2nd.—And provided that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws of the land, or the rules of public decency.

and conditions of tenure legally observable;

Provision 3rd.—And provided that the grant was not afterwards revoked or disallowed, or an alteration of its terms ordered or recognized by a competent authority.

and grant not revoked, disallowed or altered.

3. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of sixty years before the introduction of the British Government, and then in the authorized possession of a grandson in male descent or male heir of the body of such grandson, of the original grantee, shall continue to be so held so long as there shall be in existence any male heir of the body of the person who was incumbent at the introduction of the British Government, tracing his lineage from such incumbent through male heirs only.

Continuance of holdings exempt or partially exempt for sixty years before British rule.

4. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of forty years before the introduction of the British Government, and then in the authorized possession of a son, or male heir of the body of a son, of the original grantee, are to be continued for one succession further than that of the person who was incumbent at the introduction of the British Government, that is, until the death of his last surviving son.

Continuance of holdings so exempt for forty years.

Provision 1st.—The authorized possession contemplated by rules 3 and 4 does not involve the necessity of proving any specific authority from, or recognition by, the Government or paramount Power. The mere entry of the holding, as continued in the genuine accounts of the district-officers (even in those not audited and passed by the Government of the time being), will be sufficient to bring it under the heads of "uninterrupted" and "authorized" so far as regards the purposes of this rule: Provided only that there are no entries in the Collectorate-accounts which show that the holding of such lands exempt as aforesaid must have been unauthorized by the Government or paramount Power.

Authorised possession how proved.

[1] The words "the Provincial Government" were substituted for the words "the Governor of Bombay in Council" and "the said Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "which" was substituted for the word "whom", *ibid.*

[3] The words "by the Provincial Government" were substituted for the words "by Government", *ibid.*

Prescriptive right of claimant when admissible.

Provision 2nd.—If there be no evidence forthcoming to disprove a claimant's assertion that his holding has been undisputedly enjoyed for the number of years and descents requisite to fulfil the conditions of rules 3 and 4 respectively, his prescriptive right shall be admitted.

Introduction of British Government when to date—in territories late of Peshwa.

Provision 3rd.—The introduction of the British Government is to be reckoned from the time the East India Company became the Government or paramount authority over each district as regards its inams. In the territories ceded by or conquered from the Peshwa, therefore, whether khalsat mahals or saranjams, etc., held exclusive of inams, etc., the introduction of the British Government will date from the close of that of the Peshwa.

in independent principality or jagir more ancient than Peshwa's government.

But in case of the lapse of an independent principality, or of a jagir more ancient than the Peshwa's government, and over the inams of which he did not claim any authority, the introduction of the British Government should be reckoned only from the date at which the general management of the districts may have come into the hands of the Company;

Disposal of question as to date of East India Company acquiring Government.

and in case any question shall arise as to the precise date when the East India Company became the Government over any district, or when the general management of any district came into their hands, such question shall be referred to and determined [1][by the Provincial Government] in the manner prescribed by provision 1st, rule 1.

Land resumable on demise of incumbent.

[2]6. Land held as wholly exempt from payment of revenue, or on partial assessment, the possession of which is not continuable under the preceding rules, is to be resumed on the demise of the incumbent.

Extension of life tenure of holding of which incumbent died before British rule.

Provision 1st.—In case the incumbent at the time of the introduction of the British Government may have died, the permission to hold for life is to be extended to the person in whose name the land may be continued, when the investigation is commenced, if there be no fraud apparent, nor other reason for withholding this indulgence.

Resumption of land held by fraud.

Provision 2nd.—When land is evidently held by fraud recently committed (as when an inam which was resumed under the late Government has been re-occupied under the present Government without authority, or as when a pretended inam is found to have originated since the introduction of this Government with the connivance of district or village-officers), it shall be at once resumed, not being continuable under this or any of the preceding rules.

Continuance of holdings for support of mosques, temples, etc.

7. All lands held for the support of mosques, temples or similar institutions, of the permanent character of which there can be no doubt, are to be continued permanently, even though their permanent continuance may not have been expressly provided for when they were granted.

Corresponding provisions of rule 2 applied.

Provisions 1st, 2nd and 3rd.—The same as the corresponding provisions of rule 2 of this Schedule in those cases in which title-deeds or other records proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

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[1] The words "by the Provincial Government" were substituted for the words "by Government" by the Adaptation of Indian Laws Order in Council.

[2] There is no rule numbered 5.

Provision 4th.—When there is no proof forthcoming to show whether or not an inam, coming under the provisions of this rule, was granted, or even specifically recognized, by a competent authority, still, if it has been undisputedly enjoyed for a period of forty years before the introduction of the present Government, it shall be permanently continued, and enjoyment proved by the mere entry of the inam, as continued in genuine accounts of the district-officers (even in those not passed by the Government of the time being), is to be considered sufficiently "uninterrupted" to give an inam the benefit of this provision, if there be no entries in the Government accounts which show that it must have been unauthorized by them.

Effect of enjoyment for forty years where no proof of grant forthcoming.

Provision 5th.—If the forthcoming records do not go far enough back to test the existence of enjoyment of the duration contemplated in provision 4th as establishing full prescriptive title in such inams, still, if so far as they do go, they are not opposed to the claimant's assertion that sufficient enjoyment has taken place, the prescriptive title of the inam shall be admitted according to his assertions, unless there be other evidence forthcoming to disprove them.

Prescriptive title when admissible where records do not go back enough to test enjoyment for forty years.

Provision 6th.—The peculiar advantages of this rule shall not apply to the holdings of individuals in their own names for the performance of ceremonial worship, claims to which must be decided under the rules for personal claims.

Rule where not applicable.

Provision 7th.—When claims of the denomination coming under this rule are found to be unsupported by proof of original valid title and are proved void of sufficient prescriptive enjoyment, they are to be adjudicated according to rule 6.

Adjudication of certain claims coming under rule.

8. All lands authorizedly held by an official tenure which it is evident from local usage was meant to be hereditary, and has been so considered heretofore even though there be no sanads declaring it to be so,—for instance, inams which form the authorized emoluments of any hereditary office, as of kazis, village joshis, etc., and are not merely personal,—are to be continued permanently.

Continuance of holdings by official tenure meant to be hereditary.

Provisions 1st, 2nd and 3rd.—The same as the corresponding provisions of rule 2 of this Schedule in those cases in which title-deeds or other records, proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Corresponding provision of rule 2 applied.

Provision 4th.—When there is no proof forthcoming to show whether or not an inam, coming under the provisions of this rule, was granted or even specifically recognised by competent authority, still, if it has been undisputedly enjoyed as an official, and not merely personal, holding from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant's own statement renders this course improper.

Continuance of inam enjoyed as official holding during period covered by evidence though grant or recognition not proved.

Provision 5th.—The provisions of this rule are not in any way to apply to emoluments continued for service performed to the State, as the service watans of desais, sardesais, nadgaudas, deshpandes, patels, kulkarnis, mahars, talavaras, whose claims are to be disposed of according to the rules which are or may be established for the regulation of such holdings.

Exemption from rule of emoluments for certain services to State.

Length of enjoyment by itself does not entitle to benefit of rule.

Provision 6th.—It is to be understood that mere length of enjoyment of land as inam by an official person is not of itself sufficient to entitle a claim to be brought under this rule.

Benefit of preceding rules when allowable.

Provision 7th.—If a holding claimed under this rule be found incapable of permanent continuance under it, the claimant shall be allowed the advantages of any of the preceding rules of this Schedule which may be applicable to his case.

Provision for widows of last incumbents of resumed holdings.

9. On the resumption of any lands under the rules of this Schedule, a moiety or other portion may be continued to the widows of the last incumbents during their lives, in cases of proved poverty and destitution.

Continuance to widow and sole heir of holder of hereditary personal inam.

Provision 1st.—In the case of a holding which is recognizable as an hereditary personal inam, the widow of a proprietor who dies without surviving male issue, or other heirs to whom his inam will of necessity descend, is by right his sole heir, and during her life the inam cannot be regarded as having lapsed to [1][the Crown]: it should, therefore, in such a case, be continued undiminished during the widow's life.

Exception of certain tenures from application of rules.

10. These rules shall not be necessarily applicable to jagirs, saranjams or other tenures for service to [1][the Crown], or tenures of a political nature, the titles and continuance of which shall be determined as heretofore under such rules as [2][the Provincial Government] may find it necessary to issue from time to time.

Modification in favour of claimants and interpretation of rules.

11. Any of these rules may be relaxed in favour of claimants under instructions from [3][the Provincial Government], in [4][which] shall also be vested the power of interpreting the precise meaning of any of the rules respecting which a question may arise.

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[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] The words "the Provincial Government" were substituted for the words "the Governor of Bombay in Council", *ibid.*

[4] The word "which" was substituted for the word "whom", *ibid.*

THE SHORE NUISANCES (BOMBAY AND KOLABA) ACT, 1853.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Power to give notice to remove nuisance.
   Mode of giving notice.
   Contents.
   Form.
2. Petition by person denying right to remove nuisance.
   Procedure thereupon.
3. Onus of proving right.
4. Limitation of time for petition.
5. When Collector may cause removal of nuisance.
   Form of warrant.
   Indemnity.
6. Power to sell materials of any encroachment.
7. Saving of rights of Crown.
8. "High-water mark" defined.

SCHEDULE.

ACT No. XI OF 1853.[1]

[THE SHORE NUISANCES (BOMBAY AND KOLABA) ACT, 1853.]

[*15th July 1853.*]

Repealed in part, by Act 22 of 1855;
" " " " " 14 of 1870.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to facilitate the removal of nuisances and encroachments below high-water mark in the Islands of Bombay and Kolaba.

WHEREAS there is a large sea-shore in the islands of Bombay and Kolaba, and it is expedient, with a view to the safe navigation of the harbour of Bombay, and to the public interests generally, to facilitate the removal of nuisances, obstructions and encroachments below high-water mark in the said harbour, or upon or about the shores of the said islands; It is enacted as follows:— Preamble.

1. It shall be lawful for the Collector of Land-revenue at Bombay to give notice requiring the removal of any nuisance, obstruction or encroachment anywhere below high-water mark in the said harbour of Bombay, or upon or about the shores of the said islands; such notice shall be given by affixing the same in some conspicuous place on or near to the encroachment, obstruction or nuisance complained of, and by publication thereof in the [2][Official Gazette], and shall state that, unless the nuisance, obstruction or encroachment be removed or abated within one month, the same will be removed or abated by the said Collector; such notice may be in the Form No. 1, in the Schedule to this Act annexed, or to the like effect. Power to give notice to remove nuisance. Mode of giving notice. Contents. Form.

2. If any person shall deny the right of the said Collector to effect such abatement or removal, he shall, within one month after such notice shall have been given as aforesaid, apply to the Supreme Court of Judicature at Bombay by petition, setting forth the grounds of his alleged right and praying that the said Collector may be restrained from causing such abatement or removal; and the said Court may thereupon (on the petitioner's giving sufficient security for costs), fix a time for hearing and adjudicating upon such petition, and give such directions and make such orders as the said Court may think just, and the said Court may also make an order for restraining the alleged nuisance, obstruction or encroachment from being extended, or from being abated or removed by the said Collector, until after adjudication upon the said petition, or the dismissal thereof for want of prosecution. Petition by person denying right to remove nuisance. Procedure thereupon.

3. Upon the hearing of every such petition, the onus of proving the alleged right shall be on the petitioner. Onus of proving right.

4. No person shall be allowed, after the expiration of such period of one month, to present any such petition as aforesaid, unless on satisfactorily accounting to the said Court for the delay. Limitation of time for petition.

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[1] This Act, so far as it relates to the removal of any obstruction, impediment or public nuisance affecting, or likely to affect the navigation of the port of Bombay, was repealed by Act 22 of 1855.

The short title was given by Bom. 2 of 1921.

[2] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

When Collector may cause removal of nuisance.

Form of warrant.

Indemnity.

5. If no such petition shall be presented within the said period of one month, or if the same be presented and determined against the right of the petitioner, or be dismissed for want of prosecution, it shall be lawful for the Collector to cause such abatement or removal as aforesaid by any person or persons to be authorized by warrant under his hand, and such warrant may be in the form No. 2 in the Schedule to this Act annexed, or to the like effect; and the said Collector, and any person acting under his warrant, shall not be answerable for any damage unavoidably occasioned in the removal of any such nuisance, obstruction or encroachment.

Power to sell materials of any encroachment.

6. The said Collector may sell the materials of any encroachment or obstruction removed under this Act, and may apply the proceeds of sale in or towards payment of the expenses of the removal, and, if any surplus shall remain, the same shall be forfeited, and be paid and applied in such manner as the [1][Central Government] shall direct.

Saving of rights of Crown.

7. Nothing in this Act shall prejudice or affect the rights of [2]* * * * the Crown in any part of the said harbour, or of the sea-shore of the said islands, or preclude or interfere with any such proceedings, civil or criminal, for abating such nuisances and encroachments as aforesaid, as might have been had if this Act had not been passed.

"High-water mark" defined.

8. The words "high-water mark" in this Act shall mean the ordinary line of high-water at monsoon tides.

SCHEDULE.

FORM No. 1.

NOTICE is hereby given by the Collector of Land-revenue in Bombay, under Act No. XI of 1853, that (*describe the encroachment*) is to be removed or abated within one month from the date hereof; otherwise the same will be removed or abated by the said Collector under the authority of the said Act.

Dated the day of in the year of our Lord

(*Signature of Collector.*)

FORM No. 2.

THIS warrant, granted by the Collector of Land-revenue in Bombay, under Act No. XI of 1853, is to authorise of to remove (*describe encroachment*).

(*Signature of Collector.*)

Dated

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[1] The words "Central Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the East India Company as trustees for" were repealed by the Repealing Act, 1870 (14 of 1870).

THE TOBACCO DUTY (TOWN OF BOMBAY) ACT, 1857.[1]

CONTENTS.

PREAMBLE.

SECTIONS.

1. [*Repealed.*]
2. Municipal duty on tobacco for consumption in Bombay.
3. Municipal duty when payable.
3A. Power of the Commissioner of Excise to appoint public warehouses and to license warehouses.
4. Duty not paid on importation to be paid on removal from warehouse for consumption.
Remission of duty on re-exportation.
4A. Drawback allowable on re-export.
5. Bombay a warehousing port for tobacco.
6. Powers for collecting and enforcing payment of duty.
7. Tobacco not to be imported otherwise than by sea.
Landing places to be prescribed.
8. Exemption from duty.
9. Permit necessary for removal of tobacco.
Proviso.
10. No permit for removal from warehouse of less than a bale.
Proviso.
11. License for retail sale of tobacco.
12. What to be deemed retail sale.
13. Retail sale to be only at place mentioned in license.
Name and number to be affixed to shop.
14. Monthly returns of stock to be made by retail dealers.
15. Retail dealer to enter in book weight, etc., of tobacco received.
Inspection of book.
16. Search-warrant.
17. Power to arrest and detain ; to search vehicles, etc.
18. Confiscation of tobacco illegally imported, removed, etc.
Mitigation of penalty.
Enforcement of fine.
19. Penalty for illegal importation, removal, sale or possession.
Revocation of license.
20. Levy of fines and adjudication and sale of confiscations.
20A. Publication of rules.
20B. The Commissioner of Excise and other officers appointed by Government to exercise powers and perform duties of the Commissioner of Customs, Salt and Opium and Customs Officers.
21. Interpretation clause.
22. Meaning of Government.

SCHEDULE A.—Form of Permit.

[1] This short title was given by Bom. 2 of 1921.

*ACT No. IV OF 1857.

[THE TOBACCO DUTY (TOWN OF BOMBAY) ACT, 1857.]

[*9th February 1857.*]

Repealed in part, by Act 14 of 1870;
" " " " " 16 of 1874;
" " " " " 12 of 1876;
" " " " " 12 of 1891;
Amended by Bom. 1 of 1932;
" " " 14 of 1933.

Adapted and modified by the Adaptation of Indian Laws Order in Council:

Amended by Bom. 6 of 1938.

§Amended by Bom. 17 of 1945.

An Act to amend the law relating to the duties payable on tobacco and the retail sale and warehousing thereof in the Town of Bombay.

WHEREAS it is expedient to amend the law relating to the duties payable on tobacco and the retail sale and warehousing of that article in the town of Bombay; It is hereby enacted as follows: Preamble.

1. [*Repeal of enactments.*] *Rep. Act XIV of 1870.*

2. All tobacco (except such small quantities as are hereinafter mentioned) imported from any place into the town of Bombay and intended for consumption therein shall be liable to a duty of [1][thirty rupees] per maund of forty seers of eighty tolas to the seer, which duty is hereinafter called the municipal duty [2]* * * * * Municipal duty on tobacco for consumption in Bombay.

3. The said municipal duty may be paid, at the option of the importer, either on the importation of the tobacco or after it has been warehoused as hereinafter provided. Municipal duty when payable.

[3]3A. The Commissioner of Excise may appoint public warehouses and, on payment of such fees and subject to such terms and conditions as may be prescribed by him by general or special order, may license warehouses, wherein tobacco may be warehoused without payment of the municipal duty on the importation thereof and may cancel any such appointment or licence. Power of the Commissioner of Excise to appoint public warehouses and to license warehouses.

4. If the said municipal duty is not paid on importation, the tobacco shall be warehoused in a public or licensed warehouse [4]* * * *, and the importer shall pay such duty on the said tobacco on its removal from the warehouse for consumption in the said town. Duty not paid on importation to be paid on removal from warehouse for consumption.

When tobacco so warehoused is re-exported to any place beyond the limits of the said town, the whole of the said municipal duty shall be remitted. Remission of duty on re-exportation.

* This Act has been suspended by Bom. 11 of 1945, read with Bom. 1 of 1948, s. 2.

§ The amendments made by Bom. 17 of 1945, have been saved by Bom. 52 of 1947, s. 2, proviso.

[1] The words "thirty rupees" were substituted for the words "seven rupees and eight annas" by section 3 of Bom. 1 of 1932 which Act came into force on the 10th day of March 1932 and which shall remain in force for 10 years in the first instance but which Government may extend for a further period not exceeding 10 years by a notification in the Official Gazette.

[2] The words "and such duty shall be leviable in addition to any customs-duty prescribed by law" were repealed by the Repealing and Amending Act, 1891 (12 of 1891).

[3] Section 3A was inserted by section 2 of Bom. 14 of 1933.

[4] The words and figures "within the meaning of Act XXV of 1836" were repealed by the Repealing Act, 1874 (16 of 1874).

Drawback allowable on re-export.

[1]4A. When tobacco removed from a public or licensed warehouse for consumption in the said town on payment of the municipal duty under section 4, is re-exported to any place beyond the limits of the said town, seven-eighths of such duty paid shall be re-paid as drawback in the manner and subject to such conditions as may be prescribed by rules made by the Commissioner of Excise in this behalf.

Bombay a warehousing port for tobacco.

5. The port of Bombay shall [2]* * * * be held to be a warehousing port [3]* * * * so far as regards the warehousing of tobacco [4]* * * *

Powers for collecting and enforcing payment of duty.

6. The Commissioner of Customs, Salt and Opium, and officers of customs shall have all the same powers and authorities for collecting and enforcing payment of the said municipal duty, in addition to the powers and authorities specified in this Act, as they now have or shall have in respect of duties of customs.

Tobacco not to be imported otherwise than by sea. Landing places to be prescribed.

7. It shall not be lawful, without the permission of the Commissioner of Customs, Salt and Opium, or other officer empowered by Government to grant such permission, to bring any tobacco or any preparation thereof into Bombay otherwise than by sea, nor to land the same at any other landing-places than such as may from time to time be prescribed by the Government [5]* *

Exemption from duty.

8. The foregoing provisions of this Act shall not be applicable to such small quantities of tobacco (not exceeding in weight [6][half a seer] of eighty tolas to the seer) as are intended for the private consumption of the importer.

Permit necessary for removal of tobacco.

9. It shall not be lawful to remove any tobacco from one place to another within the said town, nor to carry or convey the same on any thoroughfare in the said town, nor to carry the same in any vessel or boat of less than forty khandis burthen in any of the creeks or waters adjacent to the said town, without a permit from the Commissioner of Customs, Salt and Opium, which permit shall be in the form of Schedule A to this Act annexed, or to the like effect;

any such permit shall be in force only between sunrise and sunset of the day for which it is granted:

Proviso.

Provided always, that it shall be lawful to convey without a permit any tobacco so far as may be necessary for the lawful importation thereof according to the provisions of this Act, and also small quantities of tobacco, not exceeding in weight [6][half a seer] of eighty tolas to the seer, for personal or domestic use.

No permit for removal from warehouse of less than a bale.

10. No permit shall be granted for the removal from warehouse of any quantity of tobacco less than an entire bale or package:

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[1] Section 4A was inserted by section 3 of Bom. 14 of 1933.

[2] The words "after the passing of this Act", were repealed by the Repealing Act, 1876 (12 of 1876).

[3] The words and figures "within the meaning of Act XXV of 1836" were repealed by the Repealing Act, 1870 (14 of 1870).

[4] The words "and the provisions of the said Act, so far as the same are applicable, shall be applied to the warehousing of tobacco in the said town. The import duty in the said Act mentioned shall, as to tobacco, include the municipal duty leviable under this Act" were repealed by Acts 12 of 1876 and 12 of 1891.

[5] The words "of Bombay" were omitted by the Adaptation of Indian Laws Order in Council.

[6] The words "half a seer" were substituted for the words "four seers" by s. 4 of Bom. 1 of 1932 which Act came into force on the 19th day of March 1932 and which shall remain in force for 10 years in the first instance but which Government may extend for a further period not exceeding 10 years by a notification in the Official Gazette.

Provided that, when tobacco is to be removed for consumption in the said town, the Commissioner of Customs, Salt and Opium, may give permission to open any bale or package previous to removal, and to set aside such portion thereof as may be refuse or waste; and the said refuse or waste may be re-exported, under the rules for the re-export of tobacco, at any time within one month from the date of such permission, or, if it be not so re-exported, may be destroyed by order of the Commissioner. Proviso.

11. It shall not be lawful for any person to sell or offer for sale by retail any tobacco [1][in the City of Bombay] without a license from the Commissioner of Customs, Salt and Opium, or other officer duly empowered by [2][the Provincial Government] in that behalf, which license shall be in force for a period of twelve calendar months from the date thereof unless the person to whom the license is granted shall be deprived thereof under the provisions of this Act. [3][Such license shall be subject to such terms and conditions as may be prescribed by rules made by the Provincial Government in this behalf.] License for retail sale of tobacco.

[4][Such fee as may be fixed by rules made by the Provincial Government in this behalf shall be levied for every such license, subject to the following maxima :—

	Rs.
(*a*) Superior tobacco	50
(*b*) Inferior tobacco	25

For the purposes of this section the Provincial Government may also by rules made in this behalf specify the varieties of tobacco which shall be classed as Superior and Inferior.]

12. Any sale of tobacco not exceeding in weight fourteen seers of eighty tolas to the seer shall be deemed to be a retail sale within the meaning of this Act. What to be deemed retail sale.

13. It shall not be lawful for any licensed retail dealer in tobacco to carry on the retail sale of the same, or to keep any store of the same, except at such shop or other premises as may be specified in his license; and the name of every retail dealer in tobacco, together with the number of his license, shall be written or painted in English, Gujarati and Marathi, in plain and legible characters of not less than one inch in height, on a board to be affixed in a conspicuous manner in the front of the shop or premises where such retail sale is carried on. Retail sale to be only at place mentioned in license. Name and number to be affixed to shop.

14. Every retail dealer in tobacco shall, on or before the tenth day of each month, make to the Commissioner of Customs, Salt and Opium, or other officer as aforesaid a separate return for each shop or place of sale for which he holds a license, showing the quantity of tobacco on hand therein at the beginning of the preceding month, the quantity received during such month, and the persons from whom, and the dates on which, he received it, and the stock remaining at the close of such month; Monthly returns of stock to be made by retail dealers.

and any retail dealer who refuses or neglects to make such return or makes a false return shall be liable to be deprived of his license by the said Commissioner or other officer as aforesaid, and to pay a fine not exceeding two hundred rupees.

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[1] The words "in the City of Bombay" were substituted for the words "in the said town" by s. 9 of Bom. 17 of 1945 and the amendment has been continued in operation by the proviso to s. 2 of Bom. 52 of 1947.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were added by s. 2 (*1*) of the Bombay Tobacco (Amendment) Act, 1938 (Bom. 8 of 1938).

[4] This portion was substituted for the original portion, *ibid* s. 2 (*2*).

Retail dealer to enter in book weight, etc., of tobacco received.

15. Every retail dealer in tobacco shall, on the same day on which he shall receive any tobacco, into any such shop or place of sale, enter in a book to be kept for that purpose the weight of such tobacco, the day on which he receives the same, and the name of the person from whom, and the place from which, he receives it;

Inspection of book.

and such book shall be open to the inspection of the Commissioner of Customs, Salt and Opium, or other officer as aforesaid, or of any person authorized by the Commissioner or such officer to inspect the same;

and the Commissioner or other officer or person as aforesaid inspecting the said book may make any minute therein, or any extract therefrom, which he shall think fit;

and any retail dealer who neglects or refuses to comply with the provisions of this section shall, for every offence, be liable to be deprived of his license by the said Commissioner or other officer as aforesaid, and to pay a fine not exceeding two hundred rupees.

Search-warrant.

16. The Commissioner of Customs, Salt and Opium, or other officer as aforesaid, may issue a warrant under his hand and seal to any public officer, commanding him

to enter and search between sunrise and sunset any building or place to be specified in the warrant in which tobacco may be deposited under the provisions of this Act, or in which the Commissioner or other officer as aforesaid has been credibly informed, which information shall be taken down in writing, that tobacco is deposited contrary to the provisions of this Act, and

to seize and to take away from thence any tobacco or other articles subject to confiscation under this Act.

Power to arrest and detain; to search vehicles, etc.

17. The Commissioner of Customs, Salt and Opium, or other officer as aforesaid, or any public officer authorised by the Commissioner or such officer, may arrest and detain any person carrying or having charge of any tobacco liable to confiscation under this Act, and may detain and search any vessel or package, and any boat or vehicle, containing or conveying, or supposed to contain or convey, any such tobacco.

Confiscation of tobacco illegally imported, removed, etc.

18. All tobacco imported into the said town or removed from one place to another or kept within the said town, or found in the possession of any person in the said town selling or offering any portion thereof for sale contrary to the provisions of this Act, and

every vessel in which such tobacco is contained, and

every vehicle, boat or animal employed with the consent and knowledge of the owner or his servant in conveying the same,

shall be liable to confiscation:

Mitigation of penalty.

Provided always that it shall be lawful for the adjudicating officer to mitigate the penalty of confiscation herein provided, by commuting the same to the payment of any fine not exceeding the value of the goods liable to confiscation; and

Enforcement of fine.

every such fine may be enforced, if necessary, by the sale of the goods liable to confiscation.

Penalty for illegal importation, removal, sale or possession. Revocation of license.

19. Any person who shall illegally import, remove or sell in the said town any tobacco, or who shall knowingly have in his possession any tobacco subject to confiscation under this Act, shall be liable to a fine not exceeding ten times the value of such tobacco; and if the offender is a licensed retail dealer, he shall be liable to be deprived of his license by the Commissioner of Customs, Salt and Opium, or other officer as aforesaid.

Levy of fines and adjudication and sale of confiscations.

20. All confiscations and fines under this Act may be adjudicated and levied by any Magistrate of Police for the town of Bombay.

Goods adjudged liable to confiscation shall be sold under warrant of the Magistrate.

[1]20A. Rules made under this Act shall be subject to previous publication. Publication of rules.

[1]20B. The powers and authorities conferred on the Commissioner of Customs, Salt and Opium and the officers of customs under the provisions of this Act are hereby conferred on and shall be exercised respectively by the Commissioner of Excise and such officers as Government may from time to time by general or special order appoint in this behalf; and The Commissioner of Excise and other officers appointed by Government to exercise powers and perform duties of the Commissioner of Customs, Salt and Opium and Customs Officers.

the duties imposed on the Commissioner of Customs, Salt and Opium, and the officers of customs under the provisions of this Act are hereby imposed on and shall be performed respectively by the Commissioner of Excise and the officers appointed by Government;

and references in this Act to the Commissioner of Customs, Salt and Opium and the officers of customs shall be deemed references to the Commissioner of Excise and the officers appointed by Government respectively.

21. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the context repugnant to such construction :— Interpretation clause.

the words "town of Bombay" shall include all places within the Islands of Bombay and Kolaba;

words importing the singular number shall include the plural number and words importing the plural number shall include the singular number;

words importing the masculine gender shall include females.

[2]the words "the Commissioner of Excise" shall mean the officer appointed by Government for the time being to be the Commissioner of Excise.

[3]22. In this Act "Government" means, so long as the municipal duty is, by virtue of section 143 (2) of the Government of India Act, 1935, levied and collected by the Provincial Government, that Government, and thereafter the Central Government. Meaning of Government.

SCHEDULE A.

Form of Permit.[4]

No.

A. B. has been permitted to remove from (*Custom-house, or licensed warehouse, or Shop No.* *situated in Kalbadevi Street, to warehouse or shop No.* *in Bazar Street*) the under-mentioned quantity of tobacco between sunrise and sunset on the day of in the year

(Signed)

Commissioner of Customs, Salt and Opium.

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[1] Sections 20A and 20B were inserted by s. 4 of Bom. 14 of 1933.
[2] This paragraph was added by s. 5 of Bom. 14 of 1933.
[3] S. 22 was inserted by the Adaptation of Indian Laws Order in Council.
[4] *See* s. 9, *supra*.

BOMBAY ACT No. XXIII OF 1866.[1]

[THE BOMBAY HIGH COURT (LETTERS PATENT) ACT, 1866.]

[*17th May 1866.*]

An Act to correct two clerical errors in the [2]Letters Patent for the High Court of Judicature for the Presidency of Bombay.

Preamble.

WHEREAS the twenty-second section of the [2]Letters Patent for the High Court of Judicature for the Presidency of Bombay, dated the 28th December, 1865, is as follows :—"And we do further ordain that the said High Court of Judicature at Bombay shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction, and also in respect of all *such* persons beyond such limits over whom the said High Court of Judicature at *Fort William in Bengal* shall have criminal jurisdiction at the date of the publication of these presents ;"

And whereas it is expedient to correct the two clerical errors in such section which are hereinbefore indicated by italics ;

It is hereby enacted as follows :—

1. In lieu of the said recited section, the following shall be substituted :—

Clause substituted for section 22 of revised Letters Patent of Bombay High Court.

"and we do further ordain that the said High Court of Judicature at Bombay shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction, and also in respect of all persons beyond such limits over whom the said High Court of Judicature at Bombay shall have criminal Jurisdiction at the date of the publication of these presents."

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[1] For Proceedings in Council relating to this Act, which was introduced and passed at one sitting see *Gazette of India*, 1866, Supplement, p. 255. The short title was given by Bom. 2 of 1921.

[2] General Statutory Rules and Orders.

THE BOMBAY CIVIL COURTS ACT, 1869.

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ACT No. XIV OF 1869.[1]

[THE BOMBAY CIVIL COURTS ACT, 1869.]

[*19th March 1869*].

Repealed in part, by Act 14 of 1870 ;
" " " " " 12 of 1876 ;
" " " " " 7 of 1889 ;
" " " " " 8 of 1890 ;
" " " " " 12 of 1891 ;
" by Bom. 1 of 1910 ;

Amended by Act 10 of 1876 ;
" " " 9 of 1880 ;
" " " 15 of 1880 ;
" " " 28 of 1930 ;
" " Bom. 3 of 1895 ;
" " " 1 of 1900 ;
" " " 5 of 1912 ;
" " " 5 of 1914 ;
" " " 6 of 1926 ;
" " " 9 of 1927 ;
" " " 7 of 1930.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

*Amended by Bom. 11 of 1942.
* " " " 20 of 1942.
* " " " 10 of 1945.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

Amended by Bom. 22 of 1949.

An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to the district and other subordinate Civil Courts in the Presidency of Bombay ; It is hereby enacted as follows :— Preamble.

PART I.

PRELIMINARY.

1. This Act may be called the Bombay Civil Courts Act, 1869, and extends only [2][to those parts of the Province of Bombay in which the Code of Civil Procedure, 1908, is in force ; but the Provincial Government may, by notification in the Official Gazette, extend this Act to any other part of the said Province]. Short title. Extent.

2. [*Repeal of enactments.*] *Rep. Act XIV of 1870.*

[1] For Statement of Objects and Reasons, *see Gazette of India*, 1869, p. 100 ; and for Proceedings in Council *see ibid*, 1869, Supplement, pp. 59, 180, 185, 336, 421 and 464.

* These Acts were re-enacted by Bom. 48 of 1947.

[2] This portion was substituted for the original portion by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

PART II.

DISTRICTS AND SADR STATIONS.

Alteration and creation of districts.

3. The [1][Provincial Government] may from time to time, by a notification in the [2][Official Gazette], alter [3]the limits of existing zilas (which shall hereafter be called districts) and create new districts for the purposes of this Act.

Position of sadr station.

4. The [1][Provincial Government] may also from time to time, by notification in the [2][Official Gazette], alter the position of the sadr station in any district, and fix the position of the sadr station in any new district.

PART III.

DISTRICT COURTS.

District Judges.

5. There shall be in each district a District Court presided over by a Judge to be called the District Judge. [4]* * * * * * * * * * * * * * * * [5]* * * *

Situation of District Court.

6. The District Judge shall ordinarily hold the District Court at the sadr station in his district, but may, with the previous sanction of the High Court, hold it elsewhere within the district.

Original jurisdiction of District Court.

7. The District Court shall be the principal Court of original civil jurisdiction in the district, within the meaning of the Code of Civil Procedure.

Appellate jurisdiction of District Court.

8. Except as provided in sections 16, 17 and 26, the District Court shall be the Court of Appeal from all decrees and orders passed by the subordinate Courts from which an appeal lies under any law for the time being in force.

Control and inspection of Courts.

9. The District Judge shall have general control over all the Civil Courts and their establishments within the district, and it shall be his duty to inspect, or to cause one of his assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary.

The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

Writs and orders.

10. The District Judge shall obey all writs, orders or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require.

Reports and returns.

He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the [1][Provincial Government].

Seal of District Judge.

11. The District Judge shall use a circular seal, two inches in diameter, which shall bear thereon [6][the Asoka Capital Motif], with the following inscription in English and the principal language of the district :—

" District Court of ".

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[1] The words " Provincial Government " were substituted for the words " Governor of Bombay in Council " by the Adaptation of Indian Laws Order in Council.

[2] The words " Official Gazette " were substituted for the words " Government Gazette ", *ibid.*

[3] In this connection, *see* section 22-A, *infra*.

[4] The words " he shall be appointed by the Governor of Bombay in Council, by whose authority only he shall be liable to be suspended or removed from his appointment " were omitted by the Adaptation of Indian Laws Order in Council.

[5] The words " The present Zila Judges shall be the first District Judges under this Act " were repealed by the Repealing Act, 1876 (12 of 1876).

[6] These words were substituted for the words " the Royal Arms " by Bom. 22 of 1949, s. 3.

PART IV.

JOINT JUDGES.

12. The [1][Provincial Government] may [2]* * * appoint in any District a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court. Power to appoint Joint Judges.

[3]* * * * * * *.

[4][**12A.** The Provincial Government may appoint the District Judge or the Assistant Judge in any district to be also a Joint Judge in another district. Such Joint Judge may hold his court and transact civil business at such place or places in either district as he may deem fit.] Power to appoint District Judge or Assistant Judge in one district to be Joint Judge in another district.

13. All Regulations and Acts now or hereafter in force and applying to a District Judge shall be deemed to apply also to the Joint Judge; and the seal of the Joint Judge shall be the same as is used by the District Judge. Enactments applied to Joint Judge. Joint Judge's seal.

PART V.

ASSISTANT JUDGES.

14. The [1][Provincial Government][5]* * may appoint one or more Assistants to the District Judge, [6]* * * * Power to appoint Assistant Judges.

15. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the district, whenever the District Judge shall, with the previous sanction of the High Court, direct him so to do. Situation of Assistant Judge's Court.

16. The District Judge may refer to any Assistant Judge subordinate to him original suits of which the subject-matter does not amount to ten thousand rupees in amount or value [7][applications or references under special Acts,] and miscellaneous applications not being of the nature of appeals. Original jurisdiction of Assistant Judge.

The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications [7][or references].

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[1] The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "with the previous sanction of the Governor-General of India in Council" were repealed by section 3 and the 2nd Schedule of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[3] The second clause of section 12 was repealed, *ibid.*

[4] S. 12A was inserted by s. 2 of the Bombay Civil Courts (Amendment) Act, 1942 (Bom. 11 of 1942), read with s. 3 of Bom. 48 of 1947.

[5] The words "under the general control of the Governor General of India in Council" and "and may suspend or remove from his appointment any Assistant so appointed" were omitted by the Adaptation of Indian Laws Order Council.

[6] The words "The present Assistant Judges shall be the first Assistant Judges under this Act" were repealed by the Repealing Act, 1876 (12 of 1876).

[7] These words were inserted by section 2 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom. 1 of 1900).

Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge or to the High Court according as the amount or value of the subject-matter does not exceed or exceeds five thousand rupees.

[1]* * * * * *

Appellate jurisdiction of Assistant Judge.

17. The [2][Provincial Government] may, by notification in the [3][Official Gazette], empower any Assistant Judge to try such appeals from the decrees and orders of the subordinate Courts as would lie to the District Judge and as may be referred by him to the Assistant Judge.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

Continuance of Assistant Judge's appellate jurisdiction.

18. A person filling the office of Assistant Judge, on whom the power of hearing appeals has once been conferred under section 17, shall continue to have this power so long and so often as he may fill the office of Assistant Judge, without reference to the district in which he may be employed:

Provided that the [2][Provincial Government] may, by notification in the [3][Official Gazette], at any time withdraw such power.

Power to invest Assistant Judge with powers of District Judge.

19. The [2][Provincial Government] may, by notification in the [3][Official Gazette] invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a district, and may, by like notification, from time to time determine and alter the limits of such part.

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the [2][Provincial Government], and may, with the previous sanction of the High Court, hold it at any other place within such limits.

Assistant Judge to use seal of District Judge.

20. Every Assistant Judge shall use the seal of the District Judge to whom he is Assistant.

PART VI.

[4][CIVIL JUDGES].

Number of subordinate Civil Courts.

21. There shall be in each district so many Civil Courts subordinate to the District Court as the [2][Provincial Government], [5]* * * * * shall from time to time direct:

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[1] The words and figures "The Assistant Judge shall, when directed by the District Judge so to do, also take evidence on applications for certificates under Bombay Regulation 8 of 1827 (*to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts*), *Act* No. XXVII of 1860 (*for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons*)" were repealed by the Succession Certificate Act, 1889 (7 of 1889), and the words and figures "and Act No. XX of 1864 (*for making better provisions for the care of the persons and property of minors in the Presidency of Bombay*) and shall forward it with his opinion thereon for the final orders of the District Judge," were repealed by the Guardians and Wards Act, 1890 (8 of 1890).

[2] The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "Official Gazette" were substituted for the words "Government Gazette", *ibid.*

[4] The heading "Civil Judges" was substituted for the heading "Subordinate Judges" by s. 2 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

[5] The words "acting under the general control of the Governer General of India in Council" were omitted by the Adaptation of Indian Laws Order in Council.

[1][Provided that for special reasons it shall be lawful for the [2][Provincial Government] at any time to close temporarily any such Subordinate Court.]

22. The Judges of such Subordinate Courts shall be appointed by the [2][Provincial Government], and shall be called [3][Civil Judges.] Appointment of [3][Civil Judges].

[4]* * * * * *

[5]**22A.** The [2][Provincial Government] may, by notification in the official Gazette, fix, and, by a like notification, from time to time, alter the local limits of the ordinary jurisdiction of the [3][Civil Judges.] Power to fix local limits of jurisdiction [3][Civil Judges].

23. The [3][Civil Judges] shall hold their Courts at such place or places as the [2][Provincial Government] may from time to time appoint within the local limits of their respective jurisdictions : Situation of Subordinate Courts.

[6][Provided that for special reasons it shall be lawful for the [2][Provincial Government] to order that a [7][Civil Judge] shall hold his Court at a place outside the local limits of his jurisdiction.]

Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the [7][Civil Judge] shall hold his Court at each of such places, and the [7][Civil Judge] shall cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one subordinate Court [8][and may dispose of the civil business of any one of his Courts at the headquarters of any other of his Courts] ; and in such cases the District Judge shall, subject to the control of the High Court, prescribe rules for regulating the time during which the [7][Civil Judge] shall sit in each Court.

[9][For the purpose of assisting the Judge of any subordiinate Court in the disposal of the civil business on his file, [10][the High Court may appoint to such Court from the members of the Subordinate Civil Judicial Service of the Province] one or more Joint [3][Civil Judges], or the District Judge may, with the previous sanction of the Appointment of Joint [3][Civil Judges].

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[1] This proviso was inserted by section 3 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom. 1 of 1900).

[2] The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "Civil Judges" were substituted for the words "Subordinate Judges" by s. 3 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

[4] The words "No person shall be appointed a Subordinate Judge unless he be a subject of Her Majesty or a subject of a Native Prince or State in India under the suzerainty of Her Majesty, and is also a person who has practised three years as an advocate of a High Court in India or as a vakil in the High Court of Judicature in Bombay, or who has qualified for the duties of a subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay.

The tests so prescribed by the High Court shall be notified in the Government Gazette" were omitted by the Adaptation of Indian Laws Order in Council.

[5] Section 22A was inserted by section 2 of the Bombay Civil Courts Act, 1880 (9 of 1880).

[6] This proviso was inserted by section 4 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom. 1 of 1900).

[7] The words "Civil Judge" were substituted for the words "Subordinate Judge" by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945) read with Bom. 48 of 1947, s. 3.

[8] The words "and may dispose of the civil business of any one of his Courts at the headquarters of any other of his Courts" were inserted by section 2 (*1*) of Bom. 7 of 1930.

[9] These two paragraphs were substituted for the original last paragraph of section 23 by Bom. 1 of 1900, section 4.

The original paragraph was as follows :—

"The Judge of any subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file."

[10] The words "the High Court may appoint to such Court from the members of the Subordinate Civil Judicial Service of the Province" were substituted for the words "the Governor of Bombay in Council may appoint to such Court" by the Adaptation of Indian Laws Order in Council.

High Court, depute to such Court the Judge of another subordinate Court within the district. A [1][Civil Judge] thus appointed or deputed to assist in the Court of another [1][Civil Judge] shall dispose of such civil business within the limits of his pecuniary jurisdiction as may, subject to the control of the District Judge, be referred to him by the Judge of such Court. [2][He may also dispose of the civil business of his Court at the place of his deputation subject to the general or special orders of the High Court in this behalf.]

Provisions applicable to Joint [3][Civil Judges].

For the purposes of this section the provisions of the Act applicable to [3][Civil Judges] shall be, and shall be deemed always to have been applicable to Joint [3][Civil Judges]: Provided that no such Joint [1][Civil Judge] shall hear and determine any suit instituted under section 4 of the Dekkhan Agriculturists' Relief Act, 1879, unless the value of the said suit falls within the limits of the pecuniary jurisdiction conferred on him by that Act.] XVII of 1879.

Classes of [3][Civil Judges].

24. The [3][Civil Judges] shall be of two classes.

Jurisdiction of [4][Civil Judge (Senior Division)].

The jurisdiction of a [4][Civil Judge (Senior Division)] extends to all original suits and proceedings of a civil nature.

Jurisdiction of [5][Civil Judge (Junior Division).]

The jurisdiction of a [5][Civil Judge (Junior Division)] extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value five thousand rupees.

[6][Provided that the [7][Provincial Government] may increase the limit of five thousand rupees to seven thousand and five hundred rupees in the case of any [5][Civil Judge (Junior Division)], of not less than ten years' standing and specially recommended in this behalf by the High Court. A [1][Civil Judge] so empowered shall continue to exercise this power so long and as often as he may fill the office of a [5][Civil Judge (Junior Division)] without reference to the District in which he may be employed, unless the powers are withdrawn by [8][the Provincial Government].

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[1] The words "Civil Judge" were substituted for the words "Subordinate Judge" by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

[2] This sentence was added by section 2 (2) of Bom. 7 of 1930.

[3] The words "Civil Judges" were, substituted for the words "subordinate Judges" by s. 3 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s 3.

[4] The words "Civil Judge (Senior Division)" were substituted for the words "Subordinate Judge of the first class" by s. 5 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

[5] The words "Civil Judge (Junior Division)" were substituted for the words "Subordinate Judge of the Second Class" by s. 6 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

[6] The proviso was added by section 3 of Bom. 7 of 1930.

[7] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[8] The words "the Provincial Government" were substituted for the words "Government", *ibid.*

25. A [1][Civil Judge (Senior Division)] in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature, [2]* * * * * as may arise within the local jurisdiction of the Courts in the district presided over by [3][Civil Judges (Junior Division)] [4][and wherein the subject matter exceeds the pecuniary jurisdiction of the [5][Civil Judge (Junior Division)] as defined by section 24.] Special jurisdiction of [1][Civil Judge (Senior Division.)]

In districts to which more than one [1][Civil Judge (Senior Division)] have been appointed, the District Judge, subject to the orders of the High Court, shall assign to each the local limits within which his said special jurisdiction is to be exercised.

26. In all suits decided by a [6][Civil Judge] [7]* * * * * * * * of which the amount or value of the subject-matter exceeds five thousand rupees, the appeal from his decision shall be direct to the High Court. Appeals from his decision.

27. The [8][Provincial Government] may invest any [1][Civil Judge (Senior Division)] [9][or any Judge of the Court of Small Causes established under the Provincial Small Cause Courts Act, 1887, in any place to which this section extends] with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the district. Appellate jurisdiction of [1][Civil Judge (Senior Division)] or Judge of Court of Small Causes.

IX of 1887.

Decrees and orders so passed in appeal by a [1][Civil Judge (Senior Division)] [9][or a Judge of a Court of Small Causes] shall have the same force as if passed by a District Judge.

[10][A [1][Civil Judge (Senior Division)] or a Judge of a Court of Small Causes, on whom the power of hearing appeals has once been conferred under this section, shall continue to have this power so long and so often as he may fill the office of [1][Civil Judge (Senior Division)] or Judge of a Court of Small Causes respectively, without reference to the district in which he may be employed: Provided that the [8][Provincial Government] may, by notification in the [11][Official Gazette], at any time withdraw such power.]

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[1] The words "Civil Judge (Senior Division)" were substituted for the words "Subordinate Judge of the first Class" by s. 5 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

[2] The words "wherein the subject-matter exceeds five thousand rupees in amount or value" were omitted by section 4 (*1*) of Bom. 7 of 1930.

[3] The words "Civil Judges (Junior Division)" were substituted for the words "Subordinate Judges of the Second Class" by s. 7 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947 s. 3.

[4] These words and figures were added by section 4 (*2*), of Bom. 7 of 1930.

[5] The words "Civil Judge (Junior Division)" were substituted for the words "Subordinate Judge of the Second Class" by s. 6 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

[6] The words "Civil Judge" were substituted for the words "Subordinate Judge" by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947.

[7] The words "of the first class in the exercise of his ordinary and special original jurisdiction" were repealed by section 2 of Act 28 of 1930.

[8] The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[9] These words were inserted by section 5 of the Bombay Civil Courts (Amendment) Act, 1900 (Bom. I of 1900.)

[10] This paragraph was substituted for the original paragraph by Bom. 1 of 1900, section 5. The original paragraph was as follows:—

"The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested."

[11] The words "Official Gazette" were substituted for the words "Government Gazette" by the Adaptation of Indian Laws Order in Council.

Power to invest [5][Civil Judge] with small cause powers.

[1]**28.** [2][The High Court, under the general superintendence of the Provincial Government may] invest, within such local limits [3]as [4][it] shall from time to time appoint, any [5][Civil Judge] with the jurisdiction of a Court of Small Causes for the trial of suits cognizable by such Courts up to such amount as [4][it] may deem proper, not exceeding in the case of any [6][Civil Judge (Senior Division)] one thousand rupees, and in the case of any [7][Civil Judge (Junior Division)] [8][three hundred] rupees.

[2][The High Court, under the general superintendence of the Provincial Government may] whenever [4][it] thinks fit, withdraw such jurisdiction from any [5][Civil Judge] so invested.

Power to invest [5][Civil Judges] with jurisdiction under certain Acts.

[9][**28A.** (*1*) The High Court may by general or special order invest any [5][Civil Judge], within such local limits and subject to such pecuniary limitation as may be prescribed in such order, with all or any of the powers of a District Judge or a District Court as the case may be under the Indian Succession Act, 1865, [10]The Probate and Administration Act, 1881,[10] or paragraph 5 of Schedule III to the Code of Civil Procedure, 1908. X of 1865 V of 1881. V of 1908.

(*2*) Every order made by a [5][Civil Judge] by virtue of the powers conferred upon him under sub-section (*1*) shall be subject to appeal to the High Court or the District Court according as the amount or value of the subject-matter exceeds or does not exceed five thousand rupees.

(*3*) Every order of the District Judge passed on appeal under sub-section (*2*) from the order of a [5][Civil Judge] shall be subject to an appeal to the High Court under the rules contained in the Code of Civil Procedure applicable to appeals from appellate decrees.

Seal of [5][Civil Judge.]

29. Each [5][Civil Judge] shall use a seal one inch and a-half in diameter, bearing [11][the Asoka Capital Motif] with the following inscription in English and the principal language of the district :—" [5][Civil Judge] of ."

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[1] The first paragraph of this section was substituted for the original paragraph by section 6 of Bom I of 1900.

The original paragraph was as follows :—

" The Governor of Bombay in Council may invest, within such local limits as he shall from time to time appoint any Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second class with the same jurisdiction up to the amount of fifty rupees."

[2] The words " The High Court, under the general superintendence of the Provincial Government may " were substituted for the words " The Provincial Government may " by s. 2 of the Bombay Civil Courts (Second Amendment) Act, 1942 (Bom. 20 of 1942), read with s. 3 of Bom. 48 of 1947.

[3] That is, in territories other than those in which the Dekkhan Agriculturists' Relief Act, 1879 (17 of 1879), is in force ; *see* section 5 of Act 17 of 1879, *infra*.

[4] The word " it " was substituted for the word " he " by the Adaptation of Indian Laws Order in Council.

[5] The words " Civil Judge " were substituted for the words " Subordinate Judge " by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with, Bom. 48 of 1947, s. 3.

[6] The words " Civil Judge (Senior Division)" were substituted for the words " Subordinate Judge of the First Class, *ibid* s. 5.

[7] The words " Civil Judge (Junior Division) " were substituted for the words " Subordinate Judge of the Second Class ", *ibid*, s. 6.

[8] The words " three hundred " were substituted for the words " two hundred " by section 5 of Bom. 7 of 1930.

[9] Section 28A was inserted by section 2 of the Bombay Civil Courts (Amendment) Act, 1912 (Bom . 5 of 1912).

[10] *See* now the Indian Succession Act, 1925.

[11] These words were substituted for the words " the Royal Crown " by Bom. 22 of 1949, s. 4.

30, 31. [*First Subordinate Judges ; pending proceedings.*]*Rep. Act XII of 1876.*

[1][**32.** (*1*) No subordinate court other than the court of a [2][Civil Judge (Senior Division)] and no court of small causes shall receive or register any suit in which [3][the Crown] or any officer of [4][the Crown] in his official capacity is a party. Government suits.

(*2*) In every such case the plaintiff shall be referred to the court of the [2][Civil Judge (Senior Division)] and such suit shall be instituted only in the court of the [2][Civil Judge (Senior Division)] and shall be heard by such [5][Civil judge], subject to the provisions of section 24 of the Code of Civil Procedure, 1908. V of 1908.

(*3*) Nothing in this section shall be deemed to apply to a suit against the administration of a Government railway ; or to apply to any suit merely because an officer of [4][the Crown] is a party thereto, in his capacity of—

(*a*) member of a local authority,

(*b*) curator, guardian, manager or representative of a private person or estate in virtue of an appointment, delegation, declaration or exercise of powers under:—

(*i*) Order 32, rule 4 (4), of the Code of Civil Procedure, 1908 ; V of 1908.

(*ii*) section 69 or 71 of the Indian Lunacy Act, 1912 ; IV of 1912.

(*iii*) section 7, 18 or 42 of the Guardians and Wards Act, 1890 ; VIII of 1890.

(*iv*) section 1 or 17 of the Ahmedabad Talukdars' Act, 1862 ; Bom. VI of 1862.

(*v*) section 3, 19 (*1*), 19 (*2*), 20, 22 (*1*) or 41 (*1*) of the Bombay Court of Wards Act, 1905]. Bom. I of 1905.

REMOVAL OR SUSPENSION.

33. [*Commission of inquiry into alleged misconduct.*] *Omitted by the Adaptation of Indian Laws Order in Council.*

34. [*Suspension of Subordinate Judges by High Court ; by District Judge Saving power of Government to suspend or dismiss.*] *Omitted, ibid.*

PART VII.

TEMPORARY VACANCIES.

35. In the event of the death of the District Judge or of his being prevented from performing his duties by illness or other casualty, or of his absence from his district on leave, the first in rank of the Assistant Judges in the district, or in the absence from the district of an Assistant Judge the first in rank of the [6][Civil Judges], shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated Assistant Temporary vacancy of office of District Judge.

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[1] This section was substituted for the original section 32 by section 2 of the Bombay Civil Courts (Amendment) Act, 1926 (Bom. VI of 1926).

[2] The words "Civil Judge (Senior Division)" were substituted for the words "Subordinate Judge of the First Class" by s. 5 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

[3] The words "the Crown" were substituted for the words "the Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Crown" were substituted for the word "Government", *ibid.*

[5] The words "Civil Judge" were substituted for the words "Subordinate Judge" by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

[6] The words "Civil Judges" were substituted for the words "Subordinate Judges", *ibid.*

Judge or [1][Civil Judge], as the case may be, in charge of the district, and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

Delegation of powers of District Judge.

36. Any District Judge leaving the sadr station and proceeding on duty to any place within his district may delegate to an Assistant Judge, or in the absence of an Assistant Judge to [1][Civil Judge] at the sadr station, the power of performing such of the duties enumerated in section 35 as may be emergent; and such officer shall be designated Assistant or [1][Civil Judge], as the case may be, in charge of the sadr station.

Temporary vacancy of office of Subordinate Judge.

37. In the event of the death, suspension or temporary absence of any [1][Civil Judge], the District Judge may empower the Judge of any subordinate Court of the same district to perform the duties of the Judge of the vacated subordinate Court, either at the place of such Court or of his own Court; but in every such case the registers and records of the two Courts shall be kept distinct.

PART VIII.

MINISTERIAL OFFICERS.

38. [*Appointment etc., of ministerial officers.*] *Omitted by the Adaptation of Indian Laws Order in Council.*

Duties of ministerial officers.

39. The duties of [2][the ministerial officers of the Civil Courts] shall be regulated by such rules as the High Court may from time to time prescribe.

Power to appoint clerks of the Courts.

40. [3][There may be appointed to any Civil Court under this Act] a clerk of the Court, who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

40A. [*Power to transfer clerks of the Court or ministerial officer.*] *Omitted by the Adaptation of Indian Laws Order in Council.*

PART IX.

MISCELLANEOUS.

Rules for keeping proceedings.

41. The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

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[1] The words "Civil Judge" were substituted for the words "Subordinate Judge" by s. 4 of the Bombay Civil Courts (Amendment) Act, 1945 (Bom. 10 of 1945), read with Bom. 48 of 1947, s. 3.

[2] The words "the ministerial officers of the Civil Courts" were substituted for the words "the said ministerial officers" by the Adaptation of Indian Laws Order in Council.

[3] The words "There may be appointed to any Civil Court under this Act" were substituted for the words "The District Judge may, under the general control of the Governor of Bombay in Council, appoint to any Civil Court under this Act within the local limits of his jurisdiction", *ibid.*

[1][**41A.** (*1*) The High Court may, from time to time, make rules consistent with this Act and any other enactment for the time being in force— Licensed petition-writers.

(*a*) declaring what persons shall be permitted to act as petition-writers in the Courts subordinate to it;

(*b*) regulating the issue of licenses to such persons, the conduct of business by them, and the scale of fees to be charged by them; and

(*c*) providing a penalty of fine not exceeding fifty rupees for the breach of any of the rules so made, and determining the authority by which such breaches of the rules shall be investigated and the penalties imposed.

(*2*) Every fine imposed under clause (*c*) of sub-section (*1*) shall be recoverable as if it were a fine imposed by a Magistrate in the exercise of his ordinary jurisdiction.]

42. The High Court shall from time to time, with the sanction of the [2][Provincial Government], prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court. Fees for process.

Tables of the fees so prescribed shall be published in the [3][Official Gazette].

43. The District and Subordinate Courts shall sit from day to day except on Sundays, New Year's Day, Good Friday, Christmas Day and Her Majesty's Birthday, and such other days as may be sanctioned for each or every district by the High Court. Sittings of Courts.

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year. Vacation.

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ENACTMENTS REPEALED.

[*Rep. Act XIV of 1870.*]

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[1] Section 41A was insertded by section 9 of the Bombay Civil Courts (Amendment) Act, 1900, (Bom. 1 of 1900).

[2] The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "Official Gazette" were substituted for the words "Government Gazette", *ibid.*

THE CORONERS ACT, 1871.

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ACT No. IV OF 1871.[1]

[THE CORONERS ACT, 1871.]

[*27th January 1871.*]

Repealed in part, by Act 9 of 1871;
" " " " " 10 of 1873;
" " " " " 12 of 1873;
" " " " " 16 of 1874;
" " " " " 12 of 1891.
Repealed in part and amended, by Act 10 of 1881;
" " " " " " " 4 of 1908.
Amended by Act 5 of 1889;
" " " 38 of 1920;
" " Bom. 13 of 1930.
Adapted and modified by the adaptation of Indian Laws Order in Council.
Amended by Bom. 6 of 1947.
Amended by Bom. 16 of 1948.
Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An Act to consolidate and amend the laws relating to Coroners.

WHEREAS it is expedient to consolidate and amend the laws relating to Coroners in the Presidency-towns; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Coroners Act, 1871. Short title.

2* * * * * *

2. [*Repeal of enactments.*] *Rep. Act XII of 1873.*

CHAPTER II.

APPOINTMENT OF CORONERS.

[3][3. [4](*1*) Within the local limits of the ordinary original civil jurisdiction of each of the High Courts of Judicature at Fort William and Bombay there shall be a Coroner. Such Coroners shall be called respectively the Coroner of Calcutta and the Coroner of Bombay.] Coroners of Calcutta and Bombay.

[5][(*2*) The Provincial Government may, from time to time, direct that there shall be one or more Additional Coroners within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay. Every such Additional Coroner shall be competent to exercise and perform all the powers and duties conferred upon or assigned to the Coroner of Bombay by or under this Act or any other law for the time being in force.]

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1870, Pt. V, p. 295; for Preliminary Report of the Select Committee, *see ibid, p.* 351; and for Proceedings in Council, *see ibid* Supplement, pp. 1077, 1195, 1298; and *ibid*, 1871, pp. 198 and 207.

[2] The local extent and commencement clauses of this section were repealed, respectively, by section 2, of the Coroners Act, 1881 (10 of 1881), and by the Repealing Act, 1874 (16 of 1874).

[3] This section was constituted by Act 5 of 1889, s. 2.

[4] Section 3 was renumbered as sub-section (*1*) of that section by s. 2 of the Coroners (Bombay Amendment) Act, 1948 (Bom. 16 of 1948.)

[5] Sub-section (*2*) was inserted, *ibid.*

Their appointment, suspension and removal.

4. Every such officer shall be appointed and may be suspended or removed by the [1][Provincial Government]. [2]* * * * * *.

Power of Coroner of Bombay to distribute work between himself and Additional Coroners.

[3][4A. When one or more Additional Coroners are appointed, the Coroner of Bombay shall make such arrangements as he thinks fit for distribution of the work of the Coroner under the Act between himself and the Additional Coroners.]

Coroners to be public servants.

5. Every Coroner shall be deemed a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Power to hold other offices.

6. Any Coroner may hold simultaneously any other office under Government.

7. [*Oath to be taken by Coroner.*] *Rep. Act X of 1873.*

CHAPTER III.

DUTIES AND POWERS OF CORONERS.

Jurisdiction to inquire into death.

[4]8. (*1*) When the Coroner is informed that the dead body of a person is lying within his jurisdiction and there is reasonable cause to suspect that such person has died under any of the circumstances mentioned in section 9 or has died a sudden death of which the cause is unknown, the Coroner may proceed to hold a preliminary inquiry on the body, without a jury.

(*2*) For the purpose of an inquiry under sub-section (*1*) the Coroner shall, as soon as practicable, after receipt of the information proceed to view and examine the body. Such view and examination shall be held in the presence of the police officer to whose section the case belongs and, if possible, in the presence of the relations or friends, if any, of the deceased and the Coroner may reduce to writing such observations as the appearance of the body requires. When the inquiry is concluded if the Coroner is satisfied as to the cause of death and if a *post-mortem* examination is in his opinion not necessary, the Coroner may authorise the body to be disposed of.

Inquest by jury.

[4]9. (*1*) If it appears to the Coroner, either before or in the course of an inquiry under section 8, that there is reason to suspect—

(*a*) that the deceased came by his death by homicide, suicide or infanticide; or

(*b*) that the death was caused by an accident, or poison, or machinery; or

(*c*) that the death was caused by an occurrence arising out of the use of a vehicle in a street, public road or in a private place; or

(*d*) that the death occurred in a prison in which the deceased was a prisoner or that it occurred whilst the deceased was in the custody of the police; or

(*e*) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public;

and in any other case, if it appears to the Coroner either before or in the course of the preliminary inquiry that there is reason for holding an inquest by jury, he

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adapatation of Indian Laws Order in Council.

[2] The words "Every person now holding such office shall be deemed to have been appointed under the Act" were repealed by the Repealing and Amending Act, 1891 (12 of 1891).

[3] Section 4A was inserted by s. 3 of the Coroners (Bombay Amendment) Act, 1948 (Bom. 16 of 1948).

[4] Sections 8 to 20 were substituted for the original sections 8 to 20 by section 2 of Bom. 13 of 1930.

shall proceed to hold such inquest, whether or not the cause of death arose within his jurisdiction :

Bom. VI of 1947.

[1][Provided that such inquest shall not be held in the case of death arising out of an offence triable under the Bombay Public Security Measures Act, 1947.]

(*2*) Such inquest shall ordinarily be held in the Coroner's Court-house.

(*3*) The Coroner may hold one inquest on the bodies of several persons provided that they all are believed to have come by their deaths, in or in consequence of one and the same incident.

XLV of 1860. V of 1898.

(*4*) Every such inquest shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code and for the purpose of any such inquest the Coroner shall have and may exercise all the powers of a criminal court under section 476 and section 480 of the Code of Criminal Procedure, 1898.

(*5*) The Coroner may hold an inquest by jury simultaneously with the preliminary inquiry.

Report to Coroner when prisoner or person in police custody dies.

[2]**10.** (*1*) When a person dies in a prison situate within the local limits of the Coroner's jurisdiction or whilst he is in the custody of the police the Superintendent of the prison or the police officer in charge of the section concerned, as the case may be, shall report the death to the Coroner and await his orders before the body is disposed of.

(*2*) Any Superintendent of Prison or any such police officer who fails to comply with the requirement in sub-section (*1*) shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

Penalty for disposal of body to prevent an inquest.

[2]**11.** (*1*) Any person who, with the intention of preventing the holding of an inquest on a dead body which the Coroner is bound to hold under section 9, buries, cremates or otherwise disposes of it, and any person who with such intention abets such burial, cremation or disposal of a dead body shall, on conviction before a Magistrate, be punished with fine which may extend to five hundred rupees.

XLV of 1860.

(*2*) Such punishment shall be in addition to the punishment to which such person may be liable for any offence of which he may be found guilty in respect of the death of the deceased or under section 201 of the Indian Penal Code.

Power to order body to be disinterred.

[2]**12.** A Coroner may order a body to be disinterred within a reasonable time after the death of the deceased person, either for the purpose of taking an original inquisition where none has been taken, or a further inquisition where further inquisition is, in the opinion of the Coroner, necessary or desirable in the interests of justice.

Summoning jury.

[2]**13.** In order to the impanelling of a jury for an inquest under section 9 the Coroner shall summon not less than five nor more than eleven respectable persons to appear before him at a time and place to be specified in the summons for the purpose of inquiring where, when and by what means the deceased came by his death.

Opening Court. Jurors to be sworn.

[2]**14.** (*1*) On the day and at the hour fixed for the inquest the Coroner shall proceed to open his court by proclamation and shall call over the names of the jurors on whom summonses under section 13 have been duly served. If not less than five jurors are in attendance the Coroner shall administer an oath to each juror to give a true verdict according to the evidence.

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[1] This proviso was substituted by s. 26 of Bom. 6 of 1947 for the proviso added by Bom. 25 of 1942.

[2] Sections 8 to 20 were substituted for original sections 8 to 20 by section 2 of Bom. 13 of 1930.

(*2*) If the number of jurors in attendance is less than five, or, if in the course of an inquest at any time before the return of the verdict a juror is absent and it is not practicable to enforce his immediate attendance, the Coroner may appoint such number of persons as may be necessary to serve as jurors in the inquest.

Inquest may be on Sunday or public holiday.

[1]**14A.** An inquest under this Act or its adjourned hearing under section 21 may be held on a Sunday or a public holiday.

View of body

[1]**15.** At or before the first sitting of an inquest on a body the Coroner shall view the body and if before the body has been disposed of, a majority of the jurors so desire, it shall be viewed by the jurors also :

Provided that when a preliminary inquiry on the body has been held under section 8, or if from the medical evidence or from a medical certificate, the Coroner is satisfied that no advantage will result from such viewing, the Coroner may dispense with a view of the body at the inquest.

Proclamation for witnesses.

[1]**16.** The Coroner shall then make proclamation for the attendance of witnesses, or, where the inquiry is conducted in secret, shall call in separately such as know anything concerning the death.

Summoning witnesses.

[1]**17.** (*1*) It shall be the duty of all persons acquainted with the circumstances attending the death to appear before the inquest as witnesses. The Coroner shall inquire of such circumstances and the cause of death, and if before or during the inquiry he is informed that any person, whether within or without the local limits of his jurisdiction, can give evidence or produce any document material thereto, may issue a summons requiring him to attend and give evidence or produce such document on the inquest.

(*2*) When any person so summoned fails to appear and the summons has been proved to be duly served on him in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure, the Coroner may, after recording his reasons in writing, issue a warrant for his arrest. Such warrant shall be executed as if it were issued under section 90 of the Code of Criminal Procedure, 1898. V of 1898.

(*3*) Any person disobeying a summons issued under sub-section (*1*) shall be deemed to have committed an offence under section 174, section 175 or section 176 of the Indian Penal Code, as the case may be. XLV of 1860.

(*4*) For the purpose of causing prisoners to be brought up to give evidence the Coroner shall be deemed a criminal court within the meaning of Part IX of the Prisoners' Act, 1900. III of 1900.

Post-mortem examinations. Fees to medical witnesses. Report of Chemical Examiner.

[1]**18.** (*1*) If before proceeding to view a body under section 8 or at the view or at any stage of an inquest by jury, it appears to the Coroner that a *post-mortem* examination of the body is necessary to ascertain the cause of death, he may direct such examination to be held by his Surgeon or by a duly qualified registered medical practitioner invited to attend as a witness. The Coroner may also direct an analysis of any of the organs or parts of the body or of their contents. Every medical witness other than the Chemical Examiner to Government and the Coroner's Surgeon shall be entitled to such reasonable remuneration as the Coroner thinks fit. For the purpose of such *post-mortem* examination the Coroner may order the removal of the body to any place within his jurisdiction which may be provided for that purpose.

(*2*) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination, or analysis and report in the course of any

[1] Sections 8 to 20 were substituted for original sections 8 to 20 by section 2 of Bom. 13 of 1930.

proceeding under this Act, may be used as evidence in any inquest under this Act and in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

V of 1898.

Evidence to be on oath. Evidence on behalf of accused. Interpreter.

[1]**19.** (*1*) All evidence given under this Act shall, except in the case provided in sub-section (*2*), be on oath and the Coroner shall be bound to receive the evidence on behalf of the person who is alleged to have caused or to be concerned in causing the death of the deceased person.

(*2*) If such person himself wishes to make a statement it shall be the duty of the Coroner to warn him that he is not bound to make any statement; but if such person persists, the Coroner shall, without administering him any oath, record his statement in full after duly warning him that any incriminating statement which he may make may be used in evidence in any subsequent inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898.

V of 1898.

(*3*) For the purpose of section 26 of Indian Evidence Act, 1872, a Coroner shall be deemed to be a Magistrate.

I of 1872.

(*4*) Witnesses unacquainted with the English language shall be examined through the medium of an interpreter, who shall be sworn to interpret truly as well the oath as the question put to, and the answer given by each witness.

(*5*) After each witness has been examined, the Coroner shall enquire whether the jury wish any further questions to be put to the witness, and if the jury wish that any such questions shall be put the Coroner shall put them accordingly.

Mode of recording evidence.

V of 1898.

[1]**20.** (*1*) The evidence given to the jury shall be recorded in the manner prescribed in section 356 of the Code of Criminal Procedure, 1898.

(*2*) For the purpose of this section the Coroner shall be deemed to be a Magistrate.

Adjournment of inquest. Jurors' recognizances.

21. The Coroner may adjourn the inquest from time to time, and from place to place.

Whenever the inquest is adjourned the Coroner shall take the recognizances of the jurors to attend at the time and place appointed, and notify to the witnesses when and where the inquest will be proceeded with.

The amount of such recognizances shall in each case be fixed by the Coroner [2][and the whole, or such part thereof as to the Coroner seems fit, shall, in default of attendance by the jurors, be recoverable in the same manner as a fine imposed under section 31.]

Inquest to be adjourned if criminal proceedings have been instituted before a Magistrate.

[3]**21A.** (*1*) If on an inquest touching a death, the Coroner is informed, before the jury have given their verdict, that criminal proceedings have been instituted against some person before a Magistrate in respect of an offence touching the death of the deceased, he may adjourn the inquest until after the conclusion of the criminal proceedings and may, if he thinks fit, discharge the jury.

(*2*) After the conclusion of the criminal proceedings which it shall be the duty of the police to communicate to the Coroner, the Coroner may, subject as hereinafter provided, if he thinks fit, resume the adjourned inquest:

Provided that at such resumed inquest no inquisition shall be held against any person in respect of any offence with which he was charged or of which he could have been convicted in the proceedings referred to in sub-section (*1*), and no finding shall be recorded which is inconsistent with the determination of any matter by the result of those proceedings.

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[1] Sections 8 to 20 were substituted for the original sections 8 to 20 by s. 2 of Bom. 13 of 1930.
[2] These words were added by s. 7 of the Coroners (Amendment) Act, 1908 (4 of 1908).
[3] Section 21-A was inserted by s. 3 of Bom. 13 of 1930.

(*3*) Where the Coroner resumes an inquest which has been adjourned and the jury has been discharged, he shall proceed in all respects as if the inquest had not previously been begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest, except that it shall not be obligatory on the Coroner to view the body.

(*4*) If, having regard to the result of the criminal proceedings, the Coroner decides not to resume the inquest, he shall furnish the Commissioner of Police with a certificate stating the result of the criminal proceedings and any particulars necessary for the registration of the death which may have been ascertained.

(*5*) For the purposes of this section, the expression "the criminal proceedings" means the proceedings before a Magistrate and before any court to which the accused person is committed for trial or before which an appeal from theconviction of that person is heard, and criminal proceedings shall not be deemed tobe concluded until no further appeal can be made in the course thereof.

Coroner to sum up to jury.

22. When all the witnesses have been examined, the Coroner shall sum up the evidence to the jury, and the jury shall then consider of their verdict.

Coroner to draw up inquisition.

23. When the verdict is delivered the Coroner shall draw up the inquisition according to the finding of the jury, or, when the jury is not unanimous, according to the opinion of the majority.

Contents of inquisition.

24. Every inquisition under this Act shall be signed by the Coroner with his name and style of office and by the jurors, and shall set forth—

(*1*) where, when and before whom the inquisition is holden,
(*2*) who the deceased is,
(*3*) where his body lies,
(*4*) the names of the jurors, and that they present the inquisition upon oath,
(*5*) where, when and by what means the deceased came by his death, and
(*6*) if his death was occasioned by the criminal act of another, who is guilty thereof.

If the name of the deceased be unknown, he may be described as a certain person to the jurors unknown.

Every such inquisition shall be in the form set forth in the second Schedule hereto annexed, with such variation as the circumstances of each case require.

Procedure where death is found due to an act amounting to an offence.

[1][**25.** When the jury or a majority of the jury find that the death of the deceased person was occasioned by an act which amounts to an offence under any law in force in [2][the Provinces] the Coroner shall immediately after the inquest forward a copy of the inquisition, together with the names and addresses of the witnesses, to the Commissioner of Police.]

Power to arrest and commit for trial.

[3][**26.** The Coroner may also, where the verdict justifies him in so doing, issue his warrant for the apprehension of the person who is found to have caused the death of the deceased person, and send him forthwith to a Magistrate empowered to commit him for trial.]

27. [*Power to accept bail.*] . *Rep. Act IV of 1908, s. 10.*

Warrant for burial.

28. When the proceedings are closed, or before, if it be necessary to adjourn the inquest, the Coroner shall give his warrant for the [4][disposal] of the body on which the inquest has been taken.

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[1] Section 25 was substituted by s. 8 of the Coroners (Amendment) Act, 1908 (4 of 1908).
[2] The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
[3] Section 26 was substituted by s. 9 of Act 4 of 1908.
[4] This word was substituted for the word "burial" by s. 11, *ibid.*

29. No inquisition found upon or by any inquest shall be quashed for any technical defect. Inquisitions not to be quashed for want of form.

In any case of technical defect, a Judge of the High Court may, if he thinks fit, order the inquisition to be amended, and the same shall forthwith be amended accordingly. Amendment of inquisition.

30. It shall no longer be the duty of the Coroner to inquire whether any person dying by his own act was or was not *felo de se*, to inquire of treasure trove or wrecks, to seize any fugitive's goods, to execute process or to exercise as Coroner any jurisdiction not expressly conferred by this Act. Cessation of jurisdiction as to treasure trove, wrecks, etc.

A *felo de se* shall not forfeit his goods. *Felo de se.*

Deodands are hereby abolished. Deodands.

CHAPTER IV.

CORONERS' JURIES.

[1]31. (*1*) The Coroner shall prepare and from time to time revise a list of sufficient number of persons of good character and adequate education, liable to serve as jurors in his Court. List of Jurors. Fine on juror neglecting to attend.

(*2*) All male persons between the ages of twenty-one and sixty whose names are not in the Common Jury list of the High Court, shall, subject to the exemption mentioned in section 320 of the Code of Criminal Procedure, 1898, be liable to serve as jurors in the Coroner's Court. V of 1898.

(*3*) Whenever any person has been duly summoned to appear as a juror by a Coroner, and fails or neglects to attend at the time and place specified in the summons, the Coroner may cause him to be openly called in his Court three times to appear and serve as a juror, and upon the non-appearance of such person, and proof that such summons has been served upon him or left at his usual place of abode, may impose such fine upon the defaulter, not exceeding fifty rupees, as to the Coroner seems fit :

Provided that the Coroner may, in his discretion, remit any fine so imposed.

32. The Coroner shall make out and sign a certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine so imposed, and the cause of such fine, Certificate as to defaulting juror.

and shall send such certificate to one of the Magistrates of the place of which he is the Coroner,

and shall cause a copy of such certificate to be served upon the person so fined by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid and registered. Service of copy of certificate.

33. Thereupon such Magistrate shall cause the fine to be levied in the same manner as if it had been imposed by himself. Levy of fine.

34. Unless in case of necessity, no person who has appeared, or has been summoned to appear, as a juror on an inquest, and has not made default shall within one year after such appearance or summons, be summoned to appear as a juror under this Act. Jurors not to be summoned twice within the year.

35. When an inquest is held on the body of a prisoner dying within a prison, no officer of the prison and no prisoner confined therein shall be a juror on such inquest. Jurors on inquest on prisoner.

[1] Section 31 was substituted by section 4 of Bom. 13 of 1930.

CHAPTER V.

RIGHTS AND LIABILITIES OF CORONERS.

Coroner's salary.

36. Every Coroner shall be entitled to such salary for the performance of the duty of his office as is prescribed in that behalf by the [1][Provincial Government].

Disbursements to be repaid.

37. All disbursements duly made by a Coroner for fees to medical witnesses hire of rooms for the jury, and the like, shall be repaid to him by the [1][Provincial Government].

Power to appoint deputy.

38. Every Coroner may from time to time, with the previous sanction of the [1][Provincial Government], appoint, by writing under his hand, a proper person to act for him as his deputy in the holding of inquests [2]* * * * *

All inquests taken and other acts done by any such deputy, under or by virtue of any such appointment, shall be deemed to be the acts of the Coroner appointing him:

Provided that no such deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause.

Revocation of appointment.

Every such appointment may at any time be cancelled and revoked by the Coroner by whom it was made.

Exemption from serving on juries.

39. No Coroner or Deputy Coroner shall be liable to serve as a juror.

Privilege from arrest.

40. Coroners and Deputy Coroners shall be privileged from arrest while engaged in the discharge of their official duty.

Penalty for failure to comply with Act.

41. Any Coroner or Deputy Coroner failing to comply with the provisions of this Act, or otherwise misconducting himself in the execution of his office, shall be liable to such fine as the Chief Justice of the High Court, upon summary examination and proof of the failure or misconduct, thinks fit to impose.

Limitation of suits.

42. No proceeding for anything done under this Act, or for any failure to comply with its provisions, shall be commenced or prosecuted [3]* * * * * after tender of sufficient amends.

FIRST SCHEDULE.

[ENACTMENTS REPEALED.]

Rep. Act XII of 1873.

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[4]SECOND SCHEDULE.

Form of Inquisition.

(*See* section 24.)

An inquisition taken at on the day of 19 before E F, Coroner of (in the case of A B, deceased) upon the oath of G H, I J, K L and M N, then and there duly sworn and charged to enquire when, how and by what means the said A B came to his death.

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "and such deputy shall take and subscribe, before one of the Judges of the High Court, an oath that he will faithfully discharge the duties of office" were repealed by the Indian Oaths Act, 1873 (18 of 1873).

[3] The words "after the expiration of three months from such fact or failure nor" were repealed by the Indian Limitation Act, 1871 (9 of 1871).

[4] The Second Schedule was substituted for the original by section 5 of Bom. 13 of 1930.

We the said jurors, find unanimously that the death of the said A B was caused, on or about the day of 19 , by

1.	Cases of homicide ...	a blow on the head with a stick inflicted on him by CD under such circumstances that the act of CD was justifiable (or accidental) homicide. a stab on the heart with a knife inflicted on him by CD under such circumstances that the act of CD was culpable homicide not amounting to murder.
2.	Cases of suicide ...	shooting himself through the head with a pistol. Drowning himself in a tank, river or sea. Opium-arsenic, which he voluntarily administered to himself. Cutting his throat with a razor or any sharp instrument.
3.	Cases of infanticide ...	strangling to death a newly-born child by its mother. by exposure caused by C D with the knowledge that it would necessarily result in the death of A B, a newly born child.
4.	Cases of accident ...	falling out of a boat into any river, whereby he was drowned. a kick from a horse which fractured his skull and ruptured blood-vessels in his head.
5.	Cases of poisoning ...	opium or arsenic which was administered to the said A B by C D with the intention of killing him.
6.	Cases of death caused by machinery.	while working in a mill or a workshop being caught in moving machinery.
7.	Cases of death arising out of the use of a vehicle.	the wheel of a motor car or a heavy cart which was negligently driven by C D passing over his chest and causing death.
8.	Cases of death from any other cause.	disease of the heart. apoplexy. sunstroke or any other disease.

And so say the jurors upon their oath aforesaid.

Witness our hands. *E F, Coroner of*

G H, I J, K L, M N, O P (jurors).

THE BOMBAY REVENUE JURISDICTION ACT, 1876.

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3. Interpretation-clause.
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12. Power of Provincial Government to refer questions for decision of High Court.
13. Power of Civil Judge to refer questions of jurisdiction to High Court.
14. Composition of Bench.
15. [*Repealed.*]
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THE SECOND SCHEDULE.

ACT No. X OF 1876.[1]

[THE BOMBAY REVENUE JURISDICTION ACT, 1876.]

[*28th March 1876.*]

Repealed in part by Act 4 of 1894;
,, ,, ,, ,, ,, 16 of 1895;
,, ,, ,, and amended by Act 15 of 1880;
,, ,, ,, ,, ,, ,, ,, 12 of 1891;
Amended by Act 16 of 1877;
,, ,, Bom. 21 of 1929.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Repealed in part by Act 1 of 1938.
Amended by Bom. 17 of 1945.*
Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An act to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the land revenue, and for other purposes.

Preamble. WHEREAS in certain parts of the Presidency of Bombay the jurisdiction of the Civil Courts in matters connected with the land-revenue is more extensive than it is in the rest of the said Presidency;

and whereas it is expedient that the jurisdiction of all the Civil Courts in the said Presidency should be limited in manner hereinafter appearing;

XIV of 1869. XXVI of 1871. and whereas it is also expedient to amend the [2]Bombay Civil Courts Act, section 32, *and to revive certain provisions of the*[3] *thirteenth section of Regulation XVII of 1827 of the Bombay Code, which was repealed by the Land Improvement Act, 1871*[4]* * * *

It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Bombay Revenue Jurisdiction Act, 1876.

Commencement. So much of section 4 as relates to claims to set aside, on the ground of irregularity, mistake or any other ground except fraud, sales for arrears of land-revenue, shall come into force on such day as the Governor-General in Council directs in that behalf by notification in the *Gazette of India*. The rest of this Act shall come into force on the passing thereof;

Extent. and it shall extend to all the territories [6]* * * * under the government of the Governor of Bombay in Council, but not so as to effect—

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1873, Pt. V, p. 534, for Preliminary Report of the Select Committee, *see ibid*, 1874, Pt. V, p. 70; for further Report of the Select Committee, *see ibid*, 1875, Pt. V, p. 210; and for Proceedings in Council, *see ibid*, 1875, Supplement, p. 4 and *ibid*, 1876, Supplement, pp. 344 and 405.

*The amendment made by this Act was saved by Bom. 52 of 1947, s. 2 proviso.

[2] *Supra*.

[3] S. 17 of this Act which revised s. 13, of Bom. Reg. 17 of 1827 was repealed by Act 15 of 1880, except in scheduled districts, *i.e.*, the villages belonging to the following Mehwassi Chiefs:—(1) The Parvi of Kathi; (2) The Parvi of Nal; (3) The Parvi of Singpur; (4) The Walvi of Gaohalli; (5) The Wassawa of Chikhli; (6) The Parvi of Nawalpur to which the Bombay Land Revenue Code, 1879 (Bom. 5 of 1879), has not been extended: *see* s. 2 of Act 15 of 1880.

[4] The words "and to provide for the recovery by the Local Government of advances made for purposes other than those specified in section three of the Land Improvement Act, 1871," were repealed by the Repealing and Amending Act, 1894 (4 of 1894).

[5] The 19th September, 1881—*see* notification No. 197, dated 18th March, 1881, in *Gazette of India*, 1881, Pt. I, p. 92.

[6] The words "for the time being" were omitted by the Adaptation of Indian Laws Order in Council.

(a) any suit regarding the assessment of revenue on land situate in [1][the City of Bombay], or the collection of such revenue;

(b) any of the provisions of Bombay Acts V of 1862 and VI of 1862, or, of [2][Act [3]XXI of 1881] or of [4]Act XXIII of 1871;

[5]* * * * * *

2. [*Repeal of enactments.*] *Rep. Act XII of 1891.*

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"land" includes the sites of villages, towns and cities: it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights-of-way, ferries, fisheries and all other benefits to arise out of land, and things attached to the earth or permanently fastened to things attached to the earth:

"land-revenue" means all sums and payments, in money or in kind, received or claimable by or on behalf [6][of the Crown] from any person on account of any land held by or vested in him, and any cess or rate authorized [7][by the Provincial Government] under the provisions of any law for the time being in force:

"Revenue-officer" means any officer employed in or about the business of the land-revenue, or of the surveys, assessment, accounts or records connected therewith.

Bar of certain suits.

4. Subject to the exceptions hereinafter appearing, no Civil Court shall exercise jurisdiction as to any of the following matters:

(a) [8][claims against the Crown] relating to any property appertaining to the office of any hereditary officer appointed or recognised under [9]Bombay Act No. III of 1874 or any other law for the time being in force, or of any other village-officer or servant, or

claims to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service, or

suits to set aside or avoid any order under the same Act or any other law relating to the same subject for the time being in force passed [7][by the Provincial Government] or any officer duly authorized in that behalf, or

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[1] The words "the City of Bombay" were substituted for the words "the Collectorate of Bombay" by s. 9 of the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945 (Bom. 17 of 1945) Sch. E read with Bom. 52 of 1947, s. 2, proviso.

[2] This reference was substituted for the words and figures "Act XV of 1871" by the Repealing and Amending Act, 1891 (12 of 1891).

[3] The Broach and Kaira Incumbered Estates Act, 1881.

[4] The Pensions Act, 1871.

[5] Cl. (c) was repealed by the Repealing and Amending Act, 1895 (16 of 1895). It was as follows:— "(c) any suit instituted before the passing of this Act."

[6] The words "of the Crown" were substituted for the words "of Government" by the Adaptation of Indian Laws Order in Council.

[7] The words "by the Provincial Government" were substituted for the words "by Government", *ibid.*

[8] The words "claims against the Crown" were substituted for the words "claims against Government", *ibid.*

[9] The Bombay Hereditary Offices Act, 1874.

[1][claims against the Crown] relating to lands held under treaty, or to lands granted or held as saranjam, or on other political tenure, or to lands declared [2][by the Provincial Government] or any officer duly authorized in that behalf to be held for service ;

(*b*) objections—

to the amount or incidence of any assessment of land-revenue authorized [2][by the Provincial Government], or

to the mode of assessment, or to the principle on which such assessment is fixed, or

to the validity or effect of the notification of survey or settlement, or of any notification determining the period of settlement ;

(*c*) claims connected with or arising out of any proceedings for the realization of land-revenue or the rendering of assistance [2][by the Provincial Government] or any officer duly authorized in that behalf to superior holders or occupants for the recovery of their dues from inferior holders or tenants ;

claims to set aside, on account of irregularity, mistake or any other ground except fraud, sales for arrears of land-revenue ;

(*d*) [1][claims against the Crown]—

(1) to be entered in the revenue-survey or settlement-records or village-papers as liable for the land-revenue, or as superior holder, inferior holder, occupant or tenant, or

(2) to have any entry made in any record of revenue-survey or settlement or

(3) to have any such entry either omitted or amended ;

(*e*) the distribution of land or allotment of land-revenue on partition of any estate under [3]Bombay Act IV of 1868 or any other law for the time being in force ;

(*f*) [1][claims against the Crown]—

to hold land wholly or partially free from payment of land-revenue or to receive payments charged on or payable out of the land-revenue, or to set aside any cess or rate authorized [2][by the Provincial Government] under the provisions of any law for the time being in force, or

respecting the occupation of waste or vacant land belonging [4][to the Crown] ;

(*g*) claims regarding boundaries fixed under [3]Bombay Act No. I of 1865, or any other law for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary-marks :

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[1] The words "claims against the Crown" were substituted for the words "claims against Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "by the Provincial Government" were substituted for the words "by Government", *ibid.*

[3] Bom. 4 of 1868, Bom. 1 of 1865 (except ss. 37 and 38) and Bom. Reg. 17 of 1827 are repealed by the Bombay Land-revenue Code, 1879 (Bom. V of 1879), in areas in which the latter Act is in force. Ss. 37 and 38 of Bom. 1 of 1865 are repealed so far as they apply to any village in the Ratnagiri or the Kolaba District to which the Khoti Settlement Act, 1880 (Bom. 1 of 1880), extends or is extended.

[4] The words "to the Crown" were substituted for the words "to Government" by the Adaptation of Indian Laws Order in Council.

Proviso.

Provided that, if any person claim to hold wholly or partially exempt from payment of land-revenue under—

(*h*) any enactment for the time being in force expressly creating an exemption not before existing in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or

(*i*) an instrument or sanad given by or by order of the [1][Provincial Government] under Bombay Act No. II of 1863, section 1, clause first, or Bombay Act No. VII of 1863, section 2, clause first, or

(*j*) any other written grant by the British Government expressly creating or confirming such exemption, or,

(*k*) a judgment by a Court of law, or an adjudication duly passed by a competent officer under [2]Bombay Regulation XVII of 1827, Chapter X, or under [3]Act No. XI of 1852, which declares the particular property in dispute to be exempt, such claim shall be cognizable in the Civil Courts.

Illustrations to (*h*).

(1) It is enacted that, in the event of the proprietary right in lands, the property of Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to *A* at an assessment of Rs. 100. An exemption from higher assessment not before existing is expressly created in favour of *A* by enactment, and he may seek relief in the Civil Court against over-assessment.

(2) It is enacted that, when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. *A* is the owner of land worth Rs. 100 for assessment. He claims to be assessed at Rs. 50 only on the strength of a course of dealing with him and his predecessors under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and *A*'s claim is not cognizable in a Civil Court.

(3) It is enacted that land-revenue shall not be leviable from any land held and entered in the land-registers as exempt. *A* claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land-register. This is an exemption expressly confirmed by enactment on the ground of its being shown in a public record, and *A*'s claim is cognizable in a Civil Court.

(4) It is enacted that the Collector shall confirm existing exemptions of all lands shown in certain maps to be exempt. *A* claims exemption, alleging that his land is shown in the maps to be exempt. *A*'s claim is cognizable in a Civil Court.

(5) It is enacted that assessment shall be fixed with reference to certain considerations and not with reference to others. This is not an enactment creating an exemption in favour of any individual or class, and no objection to an assessment under such an enactment is cognizable in a Civil Court.

Saving of certain suits.

5. Nothing in section 4 shall be held to prevent the Civil Courts from entertaining the following suits :

(*a*) suits [4][against the Crown] to contest the amount claimed, or paid under protest, or recovered, as land-revenue, on the ground that such amount is in

[1] The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[2] Bom. 4 of 1868, Bom. 1 of 1865 (except Ss. 37 and 38), and Bom. Reg. 17 of 1827 are repealed by the Bombay Land-revenue Code, 1879 (Bom. V of 1879), in areas in which the latter Act is in force. Ss. 37 and 38 of Bom. 1 of 1865 are repealed so far as they apply to any village in the Ratnagiri or the Kolaba District to which the Khoti Settlement Act, 1880 (Bom. 1 of 1880), extends or is extended.

[3] Bombay Rent-free Estates Act, 1852.

[4] The words "against the Crown" were substituted for the words "against Government" by the Adaptation of Indian Laws Order in Council.

excess of the amount authorized in that behalf [1][by the Provincial Government] or that such amount had, previous to such claim, payment or recovery, been satisfied, in whole or in part or that the plaintiff, or the person whom he represents is not the person liable for such amount;

(*b*) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any record of revenue-survey or settlement or in any village-papers;

(*c*) suits between superior holders or occupants and inferior holders or tenants, regarding the dues claimed or recovered from the latter;

and nothing in section 4, clause (*g*), shall be held to prevent the Civil Courts from entertaining suits, other than suits [2][against the Crown] for possession of any land being a whole survey-number or a recognized share of a survey-number;

[3][and nothing in section 4 shall be held to prevent the Civil Courts in the districts mentioned in the Second Schedule hereto annexed from exercising such jurisdiction as, according to the terms of any law in force on the twenty-eighth day of March, 1876, they could have exercised over claims [2][against the Crown]—

(*a*) relating to any property appertaining to the office of any hereditary officer appointed or recognized under [4]Bombay Act No. III of 1874 or any other law for the time being in force, or of any other village-officer or servant;

(*b*) to hold land wholly or partially free from payment of land-revenue;

(*c*) to receive payments charged on, or payable out of, the land-revenue.]

Bar of certain suits against Revenue-officers.

6. Revenue-officers shall not be liable to be sued for damages in any Civil Court for any act *bona fide* done or ordered to be done by them as such in pursuance of the provisions of any law for the time being in force.

If any Revenue-officer absconds or does not attend when called on by his official superior, and if the Collector of the district proceeds against him or his sureties for public money, papers or property according to the provisions of any law for the time being in force, such Collector shall not be liable to pay damages or costs in any suit brought against him by such officer or sureties although it appears that a part only, or no part whatever, of the sum demanded was due from the officer so absconding or failing to attend, or that he was not in possession of the papers or property demanded of him.

Punishment or prosecution of Revenue-officers no bar to civil remedies.

7. Nothing in any law for the time being in force which authorizes the punishment departmentally of any Revenue-officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Court against such officer.

8 to 10. [*Suits against Revenue-officers; appeals from their proceedings; power for Local Government to call for record.*] *Rep. Act XV of 1880.*

Suits not to be entertained unless plaintiff has exhausted right of appeal.

11. No Civil Court shall entertain any suit [2][against the Crown] on account of any act or omission of any Revenue-officer unless the plaintiff first proves that previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit, it was possible to present.

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[1] The words "by the Provincial Government" were substituted for the words "by Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "against the Crown" were substituted for the words "against Government", *ibid.*

[3] This paragraph was added by the Bombay Revenue Jurisdiction (Amendment) Act, 1877 (16 of 1877).

[4] The Bombay Hereditary Offices Act.

Power of Provincial Government to refer questions for decision of High Court.

12. If, in the trial or investigation of any suit, claim or objection which, but for the passing of this Act, might have been tried or investigated by a Civil Court, there arises any question on which [1]* * * * the [2][Provincial Government] desires to have the decision of the High Court, [1]* * * * the [2][Provincial Government] [3]* * * may cause a statement of the question to be prepared, and may refer such question for the decision of the High Court of Judicature at Bombay.

The said High Court shall fix an early day for the hearing of the question referred, and cause notice of such day to be placed in the court-house.

The parties to the case may appear and be heard in the High Court in person or by their advocates or pleaders.

The High Court, when it has heard and considered the case, shall send a copy of its decision, with the reasons therefor, under the seal of the Court, to the Government by which the reference was made, and, subject to any appeal which may be presented to Her Majesty in Council, the case shall be disposed of conformably to such decision.

If the High Court considers that any such statement is imperfectly framed, the High Court may return it for amendment.

The costs (if any) consequent on any such reference shall be dealt with as the High Court in each case directs.

Power of Civil Judge to refer questions of jurisdiction to High Court.

13. If in any suit instituted, or in any appeal presented, in a Civil Court, the Judge doubts whether he is precluded by this Act from taking cognizance of the suit or appeal, he may refer the matter to the High Court.

The High Court may order the Judge making the reference either to proceed with the case or to return the plaint.

The order of the High Court on any such reference shall be subject to appeal to Her Majesty in Council, and, save as aforesaid, shall be final.

Composition of Bench.

14. Every reference under section 12 or section 13 shall be heard by a Bench consisting of such number of Judges, not less than three, as the Chief Justice from time to time directs.

15. [*Amendment of Section 32 of Act XIV of 1869.*] *Rep. Act I of 1938.*

Privileges of the Crown [6]* * * in suits defended by it.

[4]16. Whenever any suit is brought in any Court of a subordinate judge of the first class [5][against the Crown] [6]* * * * or against any Revenue Officer, [7][and the Crown [6]* *. * undertakes] the defence thereof, it shall be lawful [8][for the Provincial Government], by certificate signed by a Secretary thereto, to require that the trial of any such suit shall have precedence over the trial of any other suit or other civil proceeding then pending in the Court of the first class subordinate judge, or, if the suit is transferred, in the Court of the District Judge; and the Court shall give effect to every such requirement.

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[1] The words "the Governor General in Council or" were omitted by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substitued for the words "Local Government", *ibid.*

[3] The words "as the case may be" were omitted, *ibid.*

[4] S. 16 was substituted for the original by section 2 of Bom. 21 of 1929.

[5] The words "against the Crown or the Federal Railway Authority" were substituted for the words "against Government" by the Adaptation of Indian Laws Order in Council.

[6] The words "or the Federal Railway Authority" were omitted by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[7] The words "and the Crown or the Federal Railway Authority undertakes" were substituted for the words "and the Government undertakes" by the Adaptation of Indian Laws Order in Council.

[8] The words "for the Provincial Government" were substituted for the words "for the Government", *ibid.*

The privilege conferred [1][on the Provincial Government] by this section shall, *mutatis mutandis*, apply to any appeal or special appeal against any decree in any such suit as is described in this section.

17. [*First clause. Revival of section 13 of Bom. Reg. XVII of 1827.*] *Repealed by Act XV of 1880; but the repeal does not operate in any scheduled district unless and until the Bombay Land-revenue Code (Bom. V of 1879) has been extended to such district.*

[*Second clause. Operation of Bom. Reg. XVII of 1827 in sites of villages and towns.*] *Rep. Act. XV of 1880.*

[*Third clause. Recovery of certain advances made by Local Government.*] *Rep. Act XV of 1880.*

SCHEDULE.

[ENACTMENTS REPEALED.]

Repealed by Act XII of 1891.

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[2][THE SECOND SCHEDULE.

The district of Ahmedabad.

The district of Kaira, exclusive of the Panch Mahals.

The district of Broach.

The district of Surat, exclusive of the lapsed State of Mandvi, as described in the Schedule annexed to [3]Act X of 1848.

The district of Thana.

The district of Kolaba, exclusive of the lapsed State of Kolaba mentioned in [3]Act VIII of 1853.

The district of Ratnagiri.

The district of Kanara.]

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[1] The words "on the Provincial Governmet" were substituted for the words "on Government", by the Adaptation of Indian Laws Order in Council.

[2] This Schedule was added by the Bombay Revenue Jurisdiction (Amendment) Act, 1877 (16 of 1877). It is referred to in s. 5, *supra*.

[3] Acts 10 of 1848 and 8 of 1853 were repealed by the Repealing and Amending Act, 1891 (12 of 1891).

THE BOMBAY MUNICIPAL DEBENTURES ACT, 1876.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Transfers of debentures to be by endorsement.
3. Validation of former transfers by endorsement.
4. Power to consolidate debentures.
5. Power to renew and sub-divide.

THE SCHEDULE.

ACT No. XV OF 1876.[1]

[THE BOMBAY MUNICIPAL DEBENTURES ACT, 1876.]

[*14th September 1876.*]

Repealed in part, by Act 1 of 1879.

An Act to amend the law relating to the transfer of Bombay Municipal Debentures, and to provide for their consolidation.

Bom. II of 1865. WHEREAS, under the [2]Bombay Municipal Act of 1865, the Justices of the Peace for the City of Bombay were empowered to mortgage for the purposes therein mentioned the rates and taxes imposed and levied under that Act; Preamble.

and whereas, by section 255 of the same Act, it was enacted that any person entitled to any such mortgage might transfer his right and interest therein to any other person, and that every such transfer should be by deed duly stamped, wherein the consideration should be truly stated, and that every such transfer might be according to the form in Schedule K to the said Act annexed or to the like effect;

and whereas, in exercise of the said power, diverse mortgages of the said rates and taxes have been made, and the mortgagees have purported to transfer their mortgages to other persons, but such transfers have been by simple endorsement and not by deed duly stamped;

and whereas it is expedient to provide that such transfers may hereafter be made by endorsement, and to confirm the said transfers heretofore made, and to exempt the parties thereto from the penalties which they have incurred by reason of their failure to comply with the provisions of the said section and of the law relating to stamp-duties for the time being in force;

and whereas it is also expedient to provide for consolidating such mortgages in manner hereinafter mentioned and for renewing and sub-dividing mortgages so consolidated;

It is hereby enacted as follows:—

1. This Act may be called the Bombay Municipal Debentures Act, 1876. Short title.

2. Every mortgage of rates and taxes, authorised to be made under the said [2]Bombay Municipal Act of 1865, or any subsequent Act, shall be transferable by endorsement on the instrument of mortgage [3]* * * *. Transfers of debentures to be by endorsement. Bom. II of 1865.

3. Every transfer of any such mortgage heretofore made by endorsement shall be, and be deemed to have been, as valid as if this Act had been in force at the date of such transfer; and no stamp-duty shall be, or be deemed to have been chargeable in respect of any such transfer; and no penalty shall be deemed to have been incurred by reason of any failure to comply with the provisions of the said section 255 or of the law relating to stamp-duties for the time being in force. Validation of former transfers by endorsement.

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1876, Pt. V, p. 552, and for Proceedings in Council, *see ibid*, Supplement, pp. 714, 753 and 1033.

[2] *See* now the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).

[3] The words "and no such endorsement shall be chargeable with any stamp-duty" were repealed by the Indian Stamp Act, 1879 (I of 1879).

Power to consolidate debentures.

4. Any holder of two or more such instruments of mortgage may surrender them to the Municipal Corporation of the City of Bombay, and such Corporation shall accept the same, and shall (on receipt for each such instrument of such fee as the said Corporation may from time to time prescribe) grant to such holder, under the seal of the said Corporation, an instrument of mortgage in which the consideration stated shall be the aggregate amount of the considerations respectively stated in the instrument so surrendered.

Every instrument so granted may be in the form in the Schedule hereto annexed or to the like effect.

Power to renew and sub-divide.

5. The said Corporation shall, on the application of the holder of any instrument granted under the said [1]Bombay Municipal Act of 1865 or under this Act, and, on receipt of such fees as the said Corporation may from time to time prescribe in this behalf, renew or sub-divide the same. Bom. II of 1865.

THE SCHEDULE ABOVE REFERRED TO.

WHEREAS *A B* of has surrendered to us, the Municipal Corporation of the City of Bombay, mortgages issued under the Bombay Municipal Act of 1865, bearing respectively the following numbers and dates (namely) [*set them out*], and securing sums amounting in the whole to Rs. Bom. II of 1865.
In consideration of the premises, we, the said Corporation, do hereby grant and assign unto the said *A B*, his representatives and assigns, such proportion of the rates and taxes comprised in the said mortgages as the said sum of Rs. bears to the whole sum for the time being borrowed upon the credit of the said rates and taxes. TO HOLD to the said *A B*, his representatives and assigns, from this day, until the said sum of Rs. with interest at the rate of per cent. per annum, shall be fully paid and satisfied.

Given under our corporate seal this day of 187 .

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[1] *See* now the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).

THE BHAUNAGAR ACT, 1876.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
   Local extent.
   Commencement.
2. Scheduled villages excluded from jurisdiction of Bombay Courts.
3. [*Repealed.*]
4. Saving of personal jurisdiction of Courts of the Provinces.

SCHEDULE

ACT No. XX OF 1876.[1]

[THE BHAUNAGAR ACT, 1876.]

[*16th December 1876.*]

Repealed in part, by Act 16 of 1895.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An Act to give better effect to certain agreements with the Thakur of Bhaunagar.

WHEREAS the villages mentioned in the Schedule hereto annexed (hereinafter called the scheduled villages) are the property of the Thakur of Bhaunagar, and were by the Treaty of Bassein, dated the thirty-first day of December, 1802, separated from the Native State or States known as the territory of Kathiawad and ceded to the British Government; Preamble.

and whereas, by [2] Regulation VI of 1816 of the Governor of Bombay in Council, the Regulations in force throughout the Presidency of Bombay were extended to the said villages, and such villages thereby became subject to the jurisdiction of the Revenue, Civil and Criminal Courts established in that Presidency;

and whereas the said Thakur of Bhaunagar is also the proprietor of divers villages, forming part of the said territory, and hereinafter called the Kathiawad villages;

and whereas the British Government have exercised certain powers of government over the said territory, but such territory has never been treated as being British territory, nor as having been vested in the East India Company, nor in Her Majesty the Queen of Great Britain and Ireland and Empress of India, and the said Kathiawad villages have consequently never been subject to the laws in force in the Presidency of Bombay;

and whereas in the year 1820 the British Government established a Political Agency for the said territory of Kathiawad;

and whereas in the year 1857 the said Thakur was, by an order of the British Government, invested in respect of the same villages with certain powers of sovereignty limited by and subject to the rules laid down for the government and conduct of the said Kathiawad Political Agency;

and whereas, for divers reasons of State affecting the welfare of British India, the British Government became desirous of ceding to the Thakur of Bhaunagar the scheduled villages, to be held by him on the same conditions as those on which he holds the Kathiawad villages, and for that purpose certain agreements were made and certain notifications published which were intended to operate as a cession of the scheduled villages;

and whereas on the twenty-ninth day of January, 1866, the Governor of Bombay in Council published a notification declaring that, in accordance with the agreement last hereinbefore recited, the scheduled villages were from and after the first day

[1] For Proceedings in Council relating to the Bill which was introduced and passed at the same meeting of the Council, *see Gazette of India*, 1876, Supplement, p. 1351.

[2] Bom. Reg. 6 of 1816 was repealed by Bom. Reg. 1 of 1827.

of February, 1866, removed from the jurisdiction of the Revenue, Civil and Criminal Courts of the Bombay Presidency and transferred to the supervision of the said Political Agency in Kathiawad on the same conditions as to jurisdiction as the said Kathiawad villages;

and whereas the intention of the said agreements and notifications was that the villages comprised therein should be ceded to and vested in the Thakur of Bhaunagar, to be held by him on the terms on which he holds the Kathiawad villages;

and whereas ever since the first day of February, 1866, the scheduled villages have been governed according to the intentions of the said agreements, and acts of executive authority have been done, proceedings taken and decrees and sentences passed by the Thakur of Bhaunagar and his officers, and by the officers of the said Political Agency, and by the Courts of Justice appointed to exercise jurisdiction within the limits of the said Political Agency;

and whereas it now appears that such agreements and notifications were not worded so as to express their true intention, and that the scheduled villages did not thereby cease to be British territory, or to be subject to the laws in force in the Presidency of Bombay;

and whereas by a notification dated the fifth day of December, 1876, after reciting to the effect above recited and reciting that the Secretary of State for India had, on behalf of Her Majesty the Queen of Great Britain and Empress of India, given his sanction to the cession intended to be thereby effected, the Governor General in Council, with the sanction aforesaid, did thereby cede and grant to the said Thakur of Bhaunagar, his heirs and successors, the said scheduled villages, to hold the same unto the said Thakur, his heirs and successors, on the terms and subject to the rules on and subject to which he holds the said Kathiawad villages; but it was thereby provided that in case the said Thakur, his heirs or successors, should commit any acts of misgovernment which, in the opinion of the Governor General in Council, rendered it inexpedient that the said Thakur, his heirs and successors, should continue to hold the said scheduled villages, the Governor General in Council might resume the villages thereby ceded and re-annex the same to Her Majesty's dominions;

and whereas it is expedient (so far as relates to any past or future proceedings in British India) to ratify the aforesaid acts, proceedings and sentences of the Thakur of Bhaunagar and the officers and Courts aforesaid, and to indemnify the said Thakur and officers against any liability in respect thereof, and to provide that no title to property shall be disturbed by any act, proceeding or sentence of any other authority;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bhaunagar Act, 1876.

Local extent.

It extends only to [1][the Provinces]; and

Commencement.

it shall come into force at once.

Scheduled villages excluded from jurisdiction of Bombay Courts.

2. The said scheduled villages shall be deemed to have been, on and after the said first day of February, 1866, excluded from the jurisdiction of the Revenue, Civil and Criminal Courts of the Bombay Presidency.

[1] The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

3. [*Validation of acts done after 1st February, 1866.*] *Rep. Act XVI of 1895.*

4. Nothing in this Act shall affect any jurisdiction which any Court of Justice in [1][the Provinces] may for the time being be entitled to exercise over persons resident or being beyond the limits of [1][the Provinces.]

Saving of personal jurisdiction of Courts of [1][the Provinces].

SCHEDULE.

Bhaunagar Taluqa.

Bhaunagar.	Malanka.	Hathab.
Wadwa.	Bhutesar.	Khadsuliu.
Ruha.	Bhumli.	Bhadbadiu.
Akwara.	Ratanpur Juna.	Alapur.
Adhiwara.	Ratanpur Nuwa.	Thalsar.
Tarsamia.	Koliak.	Lakhanka.
aspara.	Kobri.	Sultanpur.
Phulsar.	Bhuri.	Wavri.
Karmadiu.	Bhundariu.	Rampura.
Surka.	Churi.	Bhenswari, Jhanjra. (*waste*).
Tarak Palri.	Sankrasar.	
Nari.	Bhadole.	
Budhel.	Nagdhaniba.	

Sihor Taluqa.

Sihor.	Tana.	Ratanpur *near* Tana.
Usral.	Bordi.	Wadiu.
Agiali.	Kajawadar.	Walawad.
Megwadar.	Khakhriu.	Kuchotiu (*waste*).
Ghangli.	Kardej.	Chirora (*waste*).
Nesra.	Surka.	
Rajpura.	Jambalu.	

New Villages.

Gundi.	Bapara.	Deogana.
Mandwa.	Panchpipla.	Thordi.
Sosia.	Rajpura.	Khadarpur Mitiverdi.
Paniali.	Pithalpur.	
Trapaj.	Khantari.	

Inam Villages.

Wartej.	Phariadku.	Kalvi (*waste*).
Sidhsar.	Sodwadra.	
Sampura.	Sedhawadar.	

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[1] The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances, Order, 1948.

SCHEDULE—*contd.*

DHANDUKA PARGANA.

Patna Taluqa.

Patna.
Bharbir.
Chakampur.
Sarwui.
Jhinjhawadar.
Pati.
Keria *near* Pati.
Bhambhan.
Samandeala, 2.
Tajpur.
Kanutalao.
Ratanwau.
Keria.
Jamrala.
Ujalwau.
Jotingra.
Shirthali.
Dhikwali.
Wajeli.
Lundra.
Dantretia.
Samandiala.
Kariani.
Lathidhar.
Welawadar.
Virdhi *or* Rajghar.
Sajeli.
Oteria.
Sandhera.
Nagalpur.
Malpur.

RANPUR PARGANA.

Botad Taluqa.

Botad.
Hardar.
Sirwaniu.
Danknia.
Khankoi.
Turkha.
Kaniad.
Rajpura.
Juria.

THE BROACH AND KAIRA INCUMBERED ESTATES ACT, 1877.

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PREAMBLE. [*Repealed.*]

SECTIONS.

1 to 38. [*Repealed.*]

39. Amendment of Bombay Act VI of 1862.

40. Talukdari Settlement-officer to be—
deemed officer under Bombay Act VI of 1862, section 1;
assistant to certain Collectors.

41. Acts of Talukdari Settlement-officer valid.

THE TRANSPORT OF SALT ACT, 1879.

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SECTIONS.

1. Short tit'e.
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1A. Definition.

2. Penalties for carrying salt in certain vessels.

3. Exceptions.

4. Power of stoppage, search and arrest.

5. Penalties for resisting officer.

6. Confiscation of vessel and cargo.

7. Jurisdiction.

8. Power to exempt from operation of Act.

ACT No. XVI OF 1879.[1]

[THE TRANSPORT OF SALT ACT, 1879.]

[*30th September 1879.*]

Repealed in part, by Act 11 of 1901 ;
Amended by Act 12 of 1891 ;
,, ,, ,, 4 of 1914 ;
,, ,, ,, 22 of 1925 ;

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An Act to restrict the transport of Salt by Sea.

WHEREAS it is expedient to restrict the transport of salt by sea in manner hereinafter appearing ; It is hereby enacted as follows :— Preamble.

1. This Act may be called the Transport of Salt Act, 1879 : Short title.

It extends to the western coast of [2][the Provinces] north of Cochin, and to the sea within a distance of a marine league from such coast ; Local extent.

[3]* * * * *

[4]1A. The "Central Board of Revenue" means the Central Board of Revenue constituted under the Central Board of Revenue Act, 1924. Definition.

2. When any salt is carried by sea in any vessel other than a vessel of the burden of three hundred tons and upwards, the owner and master of such vessel shall each be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both. Penalties for carrying salt in certain vessels.

3. Nothing in section 2 applies to— Exceptions.

(*a*) salt covered by a permit granted under [5][Chapter V of the Madras Salt Act, 1889, or Chapter V of the Bombay Salt Act, 1890, or the corresponding law for the time being in force [6]* * *] ; Mad. IV of 1889. Bom. II of 1890.

(*b*) salt covered by a pass granted by any officer whom the [7][Central Board of Revenue] may appoint in this behalf ;

(*c*) such amount of salt carried on board any vessel for consumption by her crew or by the passengers or animals (if any) on board as the [7][Central Board of Revenue] may, from time to time, exempt from the operation of section 2.

4. When any officer empowered by the [8][Chief Customs authority] whether by name or office, to act under this section has reason to believe, from personal knowledge or from information taken down in writing, that any salt is being carried, or has within the twenty-four hours next before the requirement first hereinafter Power of stoppage, search and arrest.

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1877, Pt. V, p. 16 ; for First Report of the Select Committee, *see ibid*, p. 94*a* ; and for Proceedings in Council, *see ibid*, Supplement, pp. 88, 126, 493, and *ibid*, 1879, p. 1223.

[2] The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[3] The words "and it shall come into force at once" were repealed by the Repealing and Amending Act, 1901 (11 of 1901), s. 3, and Third Schedule.

[4] Section 1A was inserted by clause 1 of Part I of the Schedule to Act 22 of 1925.

[5] These words were substituted for the words "section twenty-eight or section thirty-one of the Act of the Governor of Bombay in Council, No. 7 of 1873, or by a rawana granted under Madras Regulation 1 of 1805, section 11, clause third", by the Repealing and Amending Act, 1891 (12 of 1891).

[6] The words "in the territories administerd by the Governor of Fort St. George in Council or the Governor of Bombay in Council, as the case may be" were omitted by the Adaptation of Indian Laws Order in Council.

[7] The words "Central Board of Revenue" were substituted for the words "Governor of Bombay in Council" by clause 2 of Pt. I of the Schedule to Act 22 of 1925.

[8] These words were substituted for the words "Governor of Bombay in Council" by Schedule, Pt. I of the Decentralization Act, 1914 (4 of 1914).

mentioned been carried, in any vessel so as to render the owner or master of such vessel liable to the penalties prescribed by section 2, he may require such vessel to be brought to, and thereupon may—

(*a*) enter and search the same;

(*b*) require the master of such vessel to produce any documents in his possession relating to such vessel or the cargo thereof;

(*c*) seize such vessel if the said officer has reason to believe it liable to confiscation under this Act, and cause it to be brought with its crew and cargo into any port in [1] [the Provinces]; and

(*d*) where salt is found on board such vessel, search and arrest without a warrant any person on board the same who such officer has reason to believe is punishable under section 2.

Penalties for resisting officer.

5. Any master of a vessel refusing or neglecting to bring to or to produce his papers when required to do so by an officer acting under section 4,

and any person obstructing any such officer in the performance of his duty,

may be arrested by such officer without a warrant, and shall be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Confiscation of vessel and cargo.

6. Every vessel in which salt is carried so as to render the owner or master of such vessel liable to the penalties prescribed by section 2, the cargo on board such vessel and all salt in respect of which an offence under this Act has been committed shall be liable to confiscation.

The confiscation of any vessel under this section shall include her tackle, apparel and furniture.

Confiscations under this section may be adjudged by the Chief Customs authority, or by such other officer as the [2] [Central Government] may, from time to time, appoint in this behalf.

Whenever any Customs-officer is satisfied that any article is liable to confiscation under this section, he may seize such article, and shall at once report the seizure to his superior officer for the information of the Chief Customs authority or such other officer as aforesaid, and such authority or officer may, if satisfied on such report, or after making such enquiry as it or he thinks fit, that the article so seized is liable to confiscation, either declare it to be confiscated, or impose a fine in lieu thereof not exceeding the value of the article.

Jurisdiction.

7. For the purpose of the adjudication of penalties under section 2 or section 5, every offence thereunder may be deemed to have been committed within the limits of the jurisdiction of the Magistrate of any place where the offender is found, or to which, if arrested under section 4 or section 5, he may be brought.

Powers to exempt from operation of Act.

8. The [2] [Central Government] may from time to time, by notification in the [3] [Official Gazette] exempt the carriage of salt within any local limits or in any class of vessels from the operation of this Act, and by like notification, again subject such carriage to the operation of this Act.

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[1] The words "the Provinces" were substituted for the words "British India" by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[2] The words "Central Government" were substituted for the words "Governor General in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "Official Gazette" were substituted for the words "Gazette of India", *ibid.*

THE DEKKHAN AGRICULTURISTS' RELIEF ACT, 1879.

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*ACT No. XVII OF 1879.[1]

[THE DEKKHAN AGRICULTURISTS' RELIEF ACT, 1879.]

[*29th October 1879.*]

Repealed in part, by Act 12 of 1891 ;
" " " " " 16 of 1895 ;
Repealed in part and amended, by Act 23 of 1881 ;
" " " " " " " 22 of 1882 ;
" " " " " " " 23 of 1886 ;
" " " " " " " 6 of 1895 ;
" " " " " " " 38 of 1920 ;
" " " " " " Bom. 1 of 1912 ;

Amended by Bom. 1 of 1902 ;
" " " 2 of 1907 ;
" " " 1 of 1910 ;
" " " 7 of 1927 ;
" " " 14 of 1932 ;
" " " 5 of 1935.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An Act for the relief of Indebted Agriculturists in certain parts of the Dekkhan.

WHEREAS it is expedient to relieve the agricultural classes in certain parts of the Dekkhan from indebtedness ; It is hereby enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be cited as the [2]Dekkhan Agriculturists' Relief Act, 1879 ; and it shall come into force on the first day of November, 1879. Short title. Commencement.

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* Notwithstanding the repeal of the Dekkhan Agriculturists' Relief Act, 1879, by the Bombay Agricultural Debtors Relief Act, 1939 (Bom. 28 of 1939), the first mentioned Act shall, in so far as it applies to transactions and proceedings to which the Bombay Agricultural Debtors Relief Act, 1947 (Bom. 28 of 1947), does not apply, be deemed to have been re-enacted with effect from 27th May 1947 (hereinafter referred to as the said date) and shall continue in force for a period of three years from the said date :

Provided that any proceeding in or out of any suit instituted before the expiry of the said three years shall be continued and disposed of after the expiry of the said period, as if the Dekkhan Agriculturists' Relief Act, 1879, had continued in force after the expiry of the said period [*vide* Bom. 28 of 1947, s. 56 (*1*)].

[1] For Statement of Objects and Reasons, *See Gazette of India*, 1879, Pt. V, p. 796 ; for Report of the Select Committee, *See ibid*, p. 939 ; for Proceedings in Council relating to the Bill it was originally proposed to introduce, *See ibid*, 1878, Supplement, p. 1028 ; and for Proceedings relating to the Bill which included the provisions of both this Bill and the Bill which the Local Council had introduced, *See ibid*, 1879, Supplement, pp. 595, 833, 873 and 1327.

[2] Acts 17 of 1879, 23 of 1881 and 22 of 1882 may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1882— *see* s. 1 (*1*) of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882). The Acts of 1879 to 1882 and Act 23 of 1886 may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886—*see* s. 1 (*1*) of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886). The Acts of 1879 to 1886 and Act 6 of 1895 may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1895— *see* s. 1 (*1*) of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895). The Acts of 1879 to 1895 and Bom. 1 of 1902 may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1902—*see* s. 1 (*1*) of the Dekkhan Agriculturists' Relief Act, 1902 (Bom. 1 of 1902).

Local extent. [1][This section and] sections 11, 56, 60 and 62 extend to [2][all the Provinces of India]. The rest of this Act extends only to the districts of Poona, Satara, Sholapur, and Ahmednagar, [3][but may, from time to time, be extended wholly or in part by the [4][Provincial Government] [5]* * * * * * * * * * to any other district or districts in the Presidency of Bombay], [6][or to any part or parts of any other such district or districts].

Construction. [7][2. In construing this Act, unless there is something repugnant in the subject or context, the following rules shall be observed, namely :—

1st.—" Agriculturist " shall be taken to mean a person who by himself or by his servants or by his tenants earns his livelihood wholly or principally by agriculture carried on within the limits of a district or part of a district to which this Act may for the time being extend, or who ordinarily engages personally in agricultural labour within those limits.

Explanations.—(*a*) An agriculturist who, without any intention of changing his status as such, temporarily ceases to earn his livelihood by agriculture or to engage personally in agricultural labour as aforesaid, or who is prevented from so earning his livelihood or engaging in agriculture by age or bodily infirmity or by necessary absence in the military service of Her Majesty, does not thereby cease to be an agriculturist within this definition.

(*b*) An assignee of Government assessment or a mortgagee is not as such an agriculturist within this definition.

2nd.—In Chapters II, III, IV and VI, and in section 69, the term " agriculturist " when used with reference to any suit or proceeding, shall include a person who, when any part of the liability which forms the subject of that suit or proceeding was incurred, was an agriculturist within the meaning of that word as then defined by law.

3rd.—An agriculturist shall be deemed to reside where he earns his livelihood by agriculture or personally engages in agricultural labour as aforesaid.

4th.—" Money " shall be deemed to include agricultural produce, implements and stock.

5th.—" Lease " shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy, and an agreement to lease.

6th.—" Standing crops " shall include crops of all sorts attached to the soil, and leaves, flowers, and fruits upon, and juice in, trees and shrubs.]

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[1] These words were inserted by s. 3 of the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881) and are to be deemed to have always been inserted.

[2] The words " all the Provinces of India " were substituted for the words " the whole of British India " by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[3] These words were added by s. 3 of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886).

[4] The words " Provincial Government " were substituted for the words " Local Government " by the Adaptation of Indian Laws Order in Council.

[5] The words " with the previous sanction of the Governor General in Council " were omitted by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[6] These words were added by s. 4 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

[7] This section was substituted by s. 5, *ibid.*

The original section was as follows :—

" 2. In this Act, unless there is something repugnant in the subject or context,—

(*1*) ' money ' includes agricultural produce, implements and stock :

(*2*) ' agriculturist ' means a person who earns his livelihood wholly or principally by agriculture carried on within the limits of the said districts ; and every agriculturist shall be deemed to ' reside ' where he so earns his livelihood."

[1][*7th.*—For the purposes of Chapters VIII and VIII-A an instrument or a copy of an instrument drawn up on a printed form by or under the superintendence of a village-registrar or of a sub-registrar shall be deemed to be an instrument or copy written or made by or under the superintendence of such registrar or sub-registrar. In this clause the term "printed form" shall be deemed to include a form prepared by any mechanical copying press.]

[2][**2A.** Every Jagirdar and other authority invested with powers under [3]Bombay Regulation XIII of 1830 and [3]Act XV of 1840 shall, for the purposes of this Act, be deemed to be a Subordinate Judge of such class as the [4][Provincial Government] may from time to time direct.] Jagirdars, etc., to be deemed Subordinate Judges.

CHAPTER II.

OF THE HEARING OF CERTAIN SUITS BY SUBORDINATE JUDGES.

Application of this Chapter.

3. The provisions of this Chapter shall apply to—

(*a*) suits for an account, [5][whatever be the amount or value of the subject-matter thereof,] instituted [6]* * * * * by an agriculturist in the Court of a Subordinate Judge under the provisions hereinafter contained, and

(*b*) suits of the descriptions next hereinafter mentioned

* * *

(1) when such suits are heard by Subordinate Judges of the First Class and the subject-matter thereof does not exceed in amount or value five hundred rupees, or

(2) when such suits are heard by Subordinate Judges of the Second Class and the subject-matter thereof does not exceed in amount or value one hundred rupees, or

(3) when such suits are heard by Subordinate Judges of the second class and the subject-matter thereof exceeds one hundred rupees, but does not exceed five hundred rupees, in amount or value, and the parties to the suits agree that such provisions shall apply thereto.

The descriptions of suits referred to in clause (*b*) are the following, namely :—

(*w*) suits for the recovery of money alleged to be due to the plaintiff—

on account of money lent or advanced to, or paid for, the defendant, or

as the price of goods sold, or

on an account stated between the plaintiff and defendant, or

on a written or unwritten engagement for the payment of money not hereinbefore provided for ;

(*x*) suits for recovery of money due on contracts other than the above and suits for rent or for moveable property, or for the value of such property, or for damages ; and

(*y*) suits for foreclosure or for the possession of mortgaged property, or for sale of such property, or for foreclosure [8][and] sale, when the defendant, or any one of the defendants, [9]* * * * * * * * is an agriculturist ; and

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[1] Clause seventh was added by the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[2] Section 2A was inserted by s. 4 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[3] *Supra.*

[4] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[5] These words were inserted by s. 5 of Act 22 of 1882.

[6] The words and figures "on or after the first day of November, 1879," were repealed by First Schedule of the Repealing and Amending Act, 1895 (16 of 1895).

[7] The words "and instituted on or after the same date" were repealed by Act 16 of 1895.

[8] The word "and" was substituted for "or" by s. 5 of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886).

[9] The words "not being merely a surety for the principal debtor" were repealed by the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

(z) suits for the redemption of mortgaged property when the plaintiff, or, where there are several plaintiffs, any one of the plaintiffs, is an agriculturist.

Certain suits to be instituted in Courts of first class Subordinate Judges.

4. Where a Subordinate Judge of the first class and a Subordinate Judge of the second class have ordinary jurisdiction in the same local area, every suit referred to in section 3, clause (*b*), and instituted in such local area, shall, if the amount or value of the subject-matter of such suit exceeds one hundred rupees and does not exceed five hundred rupees, be instituted in the Court of the Subordinate Judge of the first class.

Subordinate Judges not to act as Judges of Small Cause Courts.

5. Notwithstanding anything contained in the [1]Bombay Civil Courts Act, 1869, section 28, no Subordinate Judge shall be invested with the jurisdiction of a Judge of a Court of Small Causes [2]* * * * * * XIV of 1869.

Jurisdiction of Subordinate Judge and Small Cause Court.

6. The [3][Provincial Government] may, from time to time, by notification in the [4][Official Gazette], direct that any class of suits which a Subordinate Judge would be precluded from hearing by section 12 of [5]Act XI of 1865 (*to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature*), shall be heard and determined by him and not otherwise, and may, by a like notification, cancel any such direction.

Summons to be for final disposal of suit.

7. In every case in which it seems to the Court possible to dispose of a suit at the first hearing, the summons shall be for the final disposal of the suit.

Court to examine defendant as witness.

In every suit the Court shall examine the defendant as a witness unless, for reasons to be recorded by it in writing, it deems it [6][clearly] unnecessary so to do.

[7][*Explanation.*—The compulsory examination of the defendant shall not be dispensed with merely by reason of the fact that the defendant has filed a written statement.]

8. [*Written statements.*] *Rep. Act VI of 1895, s. 3.*

9. [*Record of evidence.*] *Rep. Act VI of 1895, s. 3.*

No appeal to lie.

10. No appeal shall lie from any decree or order passed in any suit to which this Chapter applies.

CHAPTER III.

OF SUITS AND OTHER PROCEEDINGS TO WHICH AGRICULTURISTS ARE PARTIES.

Power of Court to determine nature of transactions and to admit evidence of an oral agreement or statement.

[8]**[10A.** Whenever it is alleged at any stage of any suit or proceeding to which an agriculturist is a party that any transaction in issue entered into by such agriculturist or the person, if any, through whom he claims was a transaction of such a nature that the rights and liabilities of the parties thereunder are triable wholly or in part under this Chapter, the Court shall, notwithstanding anything

[1] *Supra.*

[2] The words "and any such jurisdiction heretofore conferred on any Subordinate Judge shall be deemed, except as regards suits instituted before the said first day of November, 1879, to have been withdrawn" were repealed by First Schedule of the Repealing and Amending Act, 1895 (16 of 1895).

[3] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "Official Gazette" were substituted for the words "local Gazette", *ibid.*

[5] *See* now s. 16 of the Provincial Small Cause Courts Act, 1887 (9 of 1887).

[6] The word "clearly" was added by s. 6 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

[7] This *Explanation* was inserted, *ibid.*

[8] Section 10A was inserted by s. 2 of the Dekkhan Agriculturists' Relief (Amendment) Act, 1907 Bom. (2 of 1907).

1 of 1872. contained in section 92 of the Indian Evidence Act, 1872, [1][or in section 49 of the Indian Registration Act, 1908] or in any other law for the time being in force, have power to inquire into and determine the real nature of such transaction and decide such suit or proceeding in accordance with such determination and shall be at liberty, notwithstanding anything contained in any law as aforesaid, to admit evidence of any oral agreement or statement [2][or unregistered document] with a view to such determination and decision :

Provided that such agriculturist or the person, if any, through whom he claims was an agriculturist at the time of such transaction :

Provided further that nothing in this section shall be deemed to apply to any suit to which a *bona fide* transferee for value without notice of the real nature of such transaction or his representative is a party where such transferee or representative holds under a registered deed executed more than twelve years before the institution of such suit.

Illustrations.

(*a*) A landlord sues for possession of land leased by him to an agriculturist. The defendant alleges that he mortgaged the land with possession to the lessor who is entitled to its possession only as such mortgagee and not as owner, and asks that he may be allowed to redeem the mortgage without being ejected. The Court may admit evidence on this allegation, and, if satisfied that it is correct, may decline to eject the defendant as tenant, and allow the suit to be converted into one for redemption of the mortgaged property.

(*b*) An agriculturist sues to redeem property alleged to have been mortgaged by a deed in the form of a lease. The Court may admit evidence of the intention of the parties outside the deed in order to determine whether the transaction was a mortgage or a lease, and if satisfied that the transaction was a mortgage may enforce the deed as a mortgage-deed.

(*c*) A money-lender sues to enforce a sale-deed entered into by any agriculturist. It is alleged that there was a contemporaneous oral agreement that the transaction should be deemed to be a mortgage. The Court may admit evidence of such oral agreement, and if satisfied of the existence of the agreement may decline to enforce the deed as a sale-deed.

(*d*) An agriculturist sues to redeem property alleged to have been mortgaged by a deed in the form of a sale. The Court may admit evidence of the intention of the parties outside the deed in order to determine whether the transaction was a mortgage or a sale, and if satisfied that the transaction was a mortgage may enforce the deed as a mortgage-deed.]

Agriculturists to be sued where they reside.

11. Every suit of the description mentioned in section 3, clause (*w*) may if the defendant, or, when there are several defendants, one only of such defendants, is an agriculturist, be instituted and tried in a Court within the local limits of whose jurisdiction such defendant resides, and not elsewhere.

Every such suit in which there are several defendants who are agriculturists may be instituted and tried in a Court within the local limits of whose jurisdiction any one of such defendants resides, and not elsewhere.

Nothing herein contained shall affect sections 22 to 25 (both inclusive) of the Code of Civil Procedure.

[1] These words and figures were inserted by s. 2 (*i*) of Bom. 5 of 1935.

[2] These words were inserted by s. 2 (*ii*), *ibid*.

History of transactions with Agriculturist debtors to be investigated.

12. In any suit of the description mentioned in section 3, clause (*w*) in which the defendant or any one of the defendants [1]* * * is an agriculturist,

and in any suit of the descriptions mentioned in section 3, clause (*y*) or clause (*z*),

[2][the Court, if the amount of the creditor's claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall inquire] into the history and merits of the case, from the commencement of the transactions between the parties and the persons (if any) through whom they claim, out of which the suit has arisen, first with a view to ascertaining whether there is any defence to the suit on the ground of fraud, mistake, accident, undue influence or otherwise, and, secondly with a view to taking an account between such parties in manner hereinafter provided.

When the amount of the claim is admitted and the Court for reasons to be recorded by it in writing believes that such admission is true and is made by the debtor with a full knowledge of his legal rights as against the creditor, the Court shall not be bound to inquire, but may do so if it thinks fit.

In other cases in which the amount of the claim is admitted, the Court shall be bound to inquire as aforesaid.

Section 9, clause first, of [3]Bombay Regulation V of 1827 is repealed so far as regards any suit to which this section applies.

Nothing herein contained shall affect the right of the parties to require that any matter in difference between them be referred to arbitration.

Mode of taking account.

13. When the Court inquires into the history and merits of a case under section 12, it shall—

notwithstanding any agreement between the parties or the persons (if any) through whom they claim, as to allowing compound interest or setting-off the profits of mortgaged property without an account in lieu of interest, or otherwise determining the manner of taking the account,

and notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation,

open the account between the parties from the commencement of the transactions and take that account according to the following rules (that is to say) :—

(*a*) separate accounts of principal and interest shall be taken :

(*b*) in the account of principal there shall be debited to the debtor such money as may from time to time have been actually received by him or on his account from the creditor, and the price of goods, if any, sold to him by the creditor, as part of the transactions :

[4](*c*) in the account of principal there shall not be debited to the debtor any sum in excess of a sum due or to accrue due under a decree which the debtor may have agreed directly or indirectly to pay in pursuance of any agreement relating to the satisfaction of the said decree :

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[1] The words "not being merely a surety of the principal debtor" were repealed by the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

[2] These words were substituted for the words "the Court shall, if the amount of the creditor's claim is disputed, inquire" by Act 23 of 1886, s. 6.

[3] *Supra.*

[4] Clause (*c*) was substituted for the original clause by s. 2 of Bom. 14 of 1932.

The original clause was as follows :—

(*c*) in the account of principal there shall not be debited to the debtor any money which he may have agreed to pay in contravention of section 257A of the Code of Civil Procedure.

(*d*) in the account of principal there shall not be debited to the debtor any accumulated interest which has been converted into principal at any statement or settlement of account or by any contract made in the course of the transactions, unless the Court, for reasons to be recorded by it in writing, deems such debit to be reasonable :

(*e*) in the account of interest there shall be debited to the debtor, monthly, simple interest on the balance of principal for the time being outstanding, at the rate allowed by the Court as hereinafter provided :

(*f*) all money paid by or on account of the debtor to the creditor or on his account and all profits, service or other advantages of every description, received by the creditor in the course of the transactions (estimated, if necessary, at such money-value as the Court in its discretion, or with the aid of arbitrators appointed by it may determine), shall be credited first in the account of interest ; and when any payment is more than sufficient to discharge the balance of interest due at the time it is made, the residue of such payment shall be credited to the debtor in the account of principal :

(*g*) the accounts of principal and interest shall be made up to the date of instituting the suit, and the aggregate of the balances (if any) appearing due on both such accounts against the debtor on that date shall be deemed to be the amount due at that date, except when the balance appearing due on the interest-account exceed that appearing due on the principal-account, in which case double the later balance shall be deemed to be the amount then due.

In certain cases rent may be charged in lieu of profits.

[1]**13A.** Where the mortgaged property is in the possession of the mortgagee or his tenants other than the mortgagor, and the Court is unable to determine what profits have been actually received, it may fix a fair rent for such property and charge to the mortgagee such rent as profits for the purpose of section 13 :

Provided that, if it be proved that in any year there was an entire or serious failure of the crops, an abatement of the whole or part of such rent may be allowed for the year.

14. [*Interest to be allowed.*] *Rep. Act VI of 1895, s. 3.*

15. [*Reference to arbitration in certain cases.*] *Rep. Act VI of 1895, s. 3.*

Mortgagor entitled to decree for redemption though time fixed by mortgage has not arrived or debt has not been paid.

[2][**15A.** In a suit of the description mentioned in section 3, clause (*z*), the Court shall not refuse to pass a decree for redemption merely on the ground that the time fixed for the payment of the principal of the mortgage-money has not arrived, or on the ground that the mortgage-debt has not been completely discharged, or on both.]

Power of Court to name some future date for payment by the mortgagor.

[3][**15AA.** So far as it may be consistent with the provisions of this Act every decree for redemption or foreclosure of any mortgage, and every decree or order for the sale of any mortgaged property made at the instance of a mortgagee thereof, shall name such future day, not being less than six months after the date of such decree, as the Court may think reasonable for the payment by the mortgagor of the money payable under the decree, and no such foreclosure shall be made absolute nor shall any such sale take place before the day so named.]

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[1] Section 13A was inserted by s. 7 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

[2] Sections 15A, 15B, 15C and 15D were inserted by s. 6 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[3] Section 15AA was inserted by s. 8 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

Power to order payment by instalments in case of decree for redemption, foreclosure or sale.

[1][15B. (*1*) The Court may in its discretion, in passing a decree for redemption, foreclosure or sale in any suit of the descriptions mentioned in section 3, clause (*y*) or clause (*z*), or in the course of any proceedings under a decree for redemption, foreclosure or sale passed in any such suit, whether before or after this Act comes into force, direct that any amount payable by the mortgagor under that decree shall be payable in such instalments, on such dates and on such terms as to the payment of interest, and, where the mortgagee is in possession, as to the appropriation of the profits and accounting therefor, as it thinks fit.

(*2*) If a sum payable under any such direction is not paid when due, the Court shall, except for reasons to be recorded by it in writing, instead of making an order for the sale of the entire property mortgaged or for foreclosure, order the sale of such portion only of the property as it may think necessary for the realisation of that sum.]

Power to continue the mortgagee in possession.

[2][(*3*) In passing a decree for redemption or foreclosure in any such suit as aforesaid, the Court may direct that the amount payable by the mortgagor shall be discharged by continuing the mortgagee in possession for such further period as will enable him to recover his principal with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor.

[2](*4*) When the amount payable to a mortgagee in possession has been determined in any such suit as aforesaid, the Court may, in its discretion, instead of making an order for payment thereof, direct that the mortgagee be continued in possession for such period (to be specified by the Court) as will, in the opinion of the Court, be sufficient to enable him to recover from the profits the amount payable by the mortgagor together with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor.]

Power to order payment by instalments in suits for possession of mortgaged property.

[1][15C. (*1*) The Court may, if it thinks fit, in any suit for the possession of mortgaged property under section 3, clause (*y*), instead of passing a decree for possession of that property, pass a decree directing that the amount payable by the mortgagor shall be payable in such instalments, on such dates and on such terms as to the payment of interest, and as to the appropriation of the profits and accounting therefor, as it thinks fit.

(*2*) If a sum payable under any such direction is not paid when due, the Court may, if it thinks fit, instead of making any other order which it is empowered to make for the realisation of that sum, make an order directing that the mortgagee be put in possession of the whole or any portion of the property mortgaged.]

Mortgagor may sue for account.

[1][15D. (*1*) Any agriculturist whose property is mortgaged may sue for an account of the amount of principal and interest remaining unpaid on the mortgage and for a decree declaring that amount.

(*2*) When any such suit is brought, the amount (if any) remaining unpaid shall be determined under the same rules as would be applicable under this Act if the mortgagee had sued for the recovery of the debt.

(*3*) At any time before the decree in the suit is signed, the plaintiff may apply to the Court to pass a decree for the redemption of the mortgage, or the mortgagee, if he would then have been entitled to sue for foreclosure or sale, may apply to the Court to pass a decree for foreclosure or sale (as the case may be), instead of a decree merely declaring the amount remaining unpaid, and the Court may, if it thinks fit, grant the application.

[1]Sections 15A, 15B, 15C and 15D were inserted by s. 6 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[2]Sub-sections (*3*) and (*4*) of section 15B were inserted by s. 9, *ibid.*

(*4*) The provisions of section 15B shall apply to any decree passed under sub-section (*3*).]

16. Any agriculturist may sue for an account of money lent or advanced to or paid for him by a creditor, or due by him to the creditor as the price of goods sold, or on a written or unwritten engagement for the payment of money, and of money paid by him to the creditor; and for a decree declaring the amount, if any, still payable by him to the creditor. Agriculturist debtors may sue for accounts.

When any such suit is brought, the amount (if any) payable by the plaintiff shall be determined under the same rules as would be applicable under this Act if the creditor had sued him for recovery of the debt. Amount of debts in such cases to be determined according to foregoing provisions.

17. A decree passed under section 16 may, besides declaring the amount due, direct that such amount shall be paid by instalments, with or without interest; and, when any such decree so directs, the plaintiff may pay the amount of such decree, or the amount of each instalment fixed by such decree, as it falls due, into Court, in default whereof execution of the decree may be enforced by the defendant in the same manner as if he had obtained a decree, in a suit to recover the debt. Decree under section 16 may provide for payment by instalments. Execution of decrees under this section.

18. The plaintiff in any suit instituted under section 16 may at any stage of such suit deposit in Court such sum of money as he considers a satisfaction in full of the defendant's claim against him. Payment into Court in cases under section 16.

Notice of the deposit shall be given by the Court to the defendant, and the amount of the deposit shall (unless the Court otherwise directs) be paid to the defendant on his application.

No interest shall be allowed to the defendant on any sum so deposited from the date of the receipt of such notice, whether the sum deposited be in full of the claim or fall short thereof.

19. [*Power to discharge judgment-debtor. Power to direct institution of insolvency proceedings.*] *Rep. Act VI of 1895, s. 3.*

20. The Court may at any time direct that the amount of any decree passed, whether before or after this Act comes into force, against an agriculturist, or the portion of the same which it directs under section 19 to be paid, shall be paid by instalments with or without interest. Power to fix instalments in execution.

21. No agriculturist shall be arrested or imprisoned in execution of a decree for money [1][passed whether before or after this Act comes into force]. Arrest and imprisonment in execution of decree for money, abolished.

22. [2][Immovable property belonging to an agriculturist [3]* * * * shall not be attached or sold] in execution of any decree or order [4][passed whether before or after this Act comes into force], unless it has been specifically mortgaged for the Immoveable property exempted from attachment and sale unless specifically pledged.

[1] These words were added by s. 8 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[2] These words were substituted for the words "No agriculturists' immoveable property shall be attached or sold" by s. 7 of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886).

[3] The words "other than his standing crops" were repealed by s. 10 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

[4] These words were inserted by s. 9 (*1*) of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

repayment of the debt to which such decree or order relates, and the security still subsists. [1][For the purposes of any such attachment or sale as aforesaid, standing crops shall be deemed to be moveable property.]

But the Court, [2][on application or of its own motion], may, when passing a decree against an agriculturist or [3][in the course of any proceedings under a decree against an agriculturist passed whether before or after this Act comes into force] direct the Collector to take possession, for any period not exceeding seven years, of any such property of the judgment-debtor to the possession of which he is entitled, and which, in the opinion of the Collector, is not required for his support and the support of the members of his family dependent on him, and the Collector shall thereupon take possession of such property and deal with the same for the benefit of the decree-holder in manner provided by section 29.

The provisions of section 31 shall, *mutatis mutandis*, apply to any property so dealt with.

Power of Collector to set aside sale.

[4][**22A.** (*1*) When any immoveable property belonging to an agriculturist has been sold by public auction under the provisions of section 325 of the [5]Code of Civil Procedure, the sale may within thirty days from the date of the auction be set aside by the Collector, if he considers the price bid by the purchaser to be inadequate. XIV of 1882.

(2) When the sale is so set aside the purchaser shall be entitled to receive back his deposit or his purchase-money, as the case may be, and the Collector may re-sell the property by public auction or private contract, as he thinks fit. Every such re-sale shall be deemed to be a sale under the provisions of section 325 of the [5]Code of Civil Procedure.] XIV of 1882.

Chapter not to apply to Village-munsifs' Courts.

23. No provision of this Chapter shall apply to the proceedings in the Courts of Village-munsifs unless such provision has been specially extended thereto under the power hereinafter conferred.

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[6]CHAPTER IV.

OF INSOLVENCY.

Subordinate Judges to have jurisdiction in agriculturists' cases.

24. Every Subordinate Judge shall have the powers conferred by sections 344 to 359 (both inclusive) of the [5]Code of Civil Procedure, as modified by the provisions next hereinafter contained, for the purpose of dealing with applications under the [5]Code of Civil Procedure or under this Act to have agriculturists residing within the local limits of his ordinary jursidiction declared insolvent and proceedings taken under orders passed under the second clause of section 19; and, except as provided in Chapter VII of this Act, no such application or proceeding shall be dealt with by any other Court.

Agriculturists may apply for adjudication in cases not provided for by Code.

25. Any agriculturist whose debts (if any) amount to fifty rupees or upwards may apply to any Subordinate Judge within the local limits of whose ordinary jurisdiction he resides to be declared an insolvent, though he has not been arrested or imprisoned, and though no order of attachment has issued against his property, in execution of a decree.

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[1] These words were inserted by s. 10 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

[2] These words were inserted by s. 9 (*2*) of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[3] These words were substituted for the words "or at any subsequent time" by s. 9 (*3*), *ibid.*

[4] S. 22A was inserted by s. 3 of the Dekkhan Agriculturists' Relief (Amendment) Act, 1907 (Bom. 2 of 1907).

[5] For the Code of Civil Procedure, *see* now Act 5 of 1908.

[6] The Provincial Insolvency Act, 1920 (5 of 1920), does not apply to cases to which this Chapter is applicable; *See* s. 82 of that Act.

26. Notwithstanding anything contained in section 351 of the [1]Code of Civil Procedure, the Court shall declare an agriculturist an insolvent if it is satisfied that he is in insolvent circumstances, and that the application to have him declared an insolvent has been properly made under section 344 of the said [1]Code or section 25 of this Act. Modification of section 351 of the Code.

27. No person other than the nazir of the Court shall be appointed as receiver, and no receiver shall be entitled to commission. Receiver.

28. In determining under section 352 of the said [1]Code the amount of any claim of the nature referred to in section 12 of this Act due by an insolvent agriculturist, the Court shall proceed in the manner prescribed by sections 12 to 15 of this Act, both inclusive. Proof of debts.

29. No immovable property of the insolvent shall vest in the receiver; but the Court, [2][on application or of its own motion], may direct the Collector to take into his possession, for any period not exceeding seven years from the date on which the receiver has been appointed, any immovable property to the possession of which the insolvent is entitled, and which, in the opinion of the Collector, is not required for the support of the insolvent and the members of his family dependent on him, and, subject to any rules the [3][Provincial Government] may from time to time make in this behalf, to manage the same for the benefit of the creditors by letting it on lease or otherwise: Immovable property not to vest in receiver, but may be managed for benefit of creditors.

Provided that, if the insolvent or his representative in interest at any time pays into Court the balance of the scheduled debts then unpaid, he shall, subject to any rights created in favour of other persons by the Collector, be entitled to recover possession of such property.

A Collector managing property under this section shall during the management have all the powers which the owner might as such have legally exercised, and shall receive and recover all rents and profits of such property, and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by an owner, all powers possessed by a Collector for securing and recovering the land-revenue due to Government except the powers mentioned in the Bombay Land-revenue Code, 1879, section 150, clauses (*b*), (*d*) and (*e*). Bom. V of 1879.

Nothing in this section shall authorise the Court to direct the Collector to take into his possession any houses or other buildings belonging to and occupied by an agriculturist.

30. When any scheduled debt is secured by a mortgage of any portion of the insolvent's immovable property, the Court, [4][on application or of its own motion], may direct the Collector, if he can obtain a premium equal to the amount of such debt by letting such property for a term not exceeding twenty years, to let such property, and, if he cannot so obtain such premium, to sell such property under section 325 of the [1]Code of Civil Procedure. Secured debts.

Where property is let under this section the premium shall be applied to the payment of the debt, and the rent, if any, shall for a period of seven years from the date of such letting be paid to the receiver and thereafter to the insolvent or his representative in interest.

When property is sold under this section, the sale-proceeds shall be applied, first, to the payment of the debt, and the balance, if any, shall be paid to the receiver.

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[1] For the Code of Civil Procedure, *see* now Act 5 of 1908.

[2] These words were inserted by s. 10 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[3] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[4] These words were inserted by s. 10 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

Insolvent incompetent to sell, etc., property dealt with under sections 29 and 30.

31. So long as any management under section 29 or letting under section 30 continues, the insolvent and his representative in interest shall be incompetent to mortgage, charge, lease or alienate the property managed or let, or any part thereof.

Scheduled debts discharged.

32. When the balance available for distribution among the scheduled creditors under section 356 of the said Code has been distributed, the claims of such creditors shall be deemed to have been discharged, except as regards the right to share in the profits of any property managed by the Collector under section 29, or let by him under section 30.

Appeals barred.

33. No appeal shall lie from any order passed under this Chapter except orders passed in exercise of the power conferred by section 359 of the [1]Code of Civil Procedure.

CHAPTER V.

OF VILLAGE-MUNSIFS.

Appointment of Village-munsifs.

34. The [2][Provincial Government] may, from time to time, appoint any pàtel of a village or any other person possessing local influence in a village to be a Village-munsif for such village or for such village and for any other villages the sites of which are situate in the same district not more than two miles from the site of such village, and may cancel any such appointment.

Suits triable by them.

35. Every Village-munsif so appointed shall take cognisance of suits of the description mentioned in section 3, [3][clauses (*w*) and (*x*),] when the subject-matter thereof does not exceed [4][twenty-five] rupees in amount or value, and all the defendants at the time of the commencement of the suit actually and voluntarily reside or carry on business or personally work for gain within the local area for which such Village-munsif is appointed.

Jurisdiction of other Courts excluded.

Notwithstanding anything hereinbefore contained, a suit cognizable by a Village-munsif shall not be heard by any other Court :

Proviso.

Provided that the District Judge may, from time to time, transfer any suit instituted before a Village-munsif to his own Court or any other Civil Court in the district for trial :

Provided also that no Village-munsif shall try any suit to or in which he is a party or is personally interested, or shall adjudicate upon any proceeding connected with or arising out of such suit.

District Judge's power of revision.

36. The District Judge may, on a petition being presented within thirty days from the date of any decree or order of a Village-munsif by any party deeming himself aggrieved by such decree or order, set aside such decree or order on the ground of corruption, gross partiality or misconduct of the Village-munsif [5][or on the ground that the Village-munsif has exercised a jurisdiction not vested in him by law] and pass such other decree or order as he thinks fit.

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[1] For the Code of Civil Procedure, *see* now Act 5 of 1908.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[3] The words, letters and brackets "clauses (*w*) and (*x*)" were substituted for the word, letter and brackets "clause (*w*)" by s. 2 of Bom. 7 of 1927.

[4] The word "twenty-five" was substituted for the word "ten", *ibid.*

[5] These words were added by s. 11 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

Except as provided in this Act and in section 622 of the [1]Code of Civil Procedure, every decree and order of a Village-munsif shall be final.

37. The [2][Provincial Government] may, from time to time, by notification in the Official Gazette, make rules consistent with this Act for regulating the procedure of Village-munsifs and for conferring on them or any of them all or any of the powers for the trial of suits or the execution of decrees exercised by a Civil Court under the Code of Civil Procedure or any other enactment for the time being in force. Power of Provincial Government to make rules.

CHAPTER VI.[3]

OF CONCILIATION.

38. The [2][Provincial Government] may, from time to time, appoint any person other than an officer of Police to be a Conciliator, and may cancel any such appointment. Appointment of Conciliators.

Every Conciliator appointed under this section shall be appointed only for a term not exceeding three years, but may, on the expiration of the period for which he has been appointed, be again appointed for a further term not exceeding three years.

Every Conciliator so appointed shall exercise his functions under this Act in respect of matters affecting agriculturists residing within such local area as the [2][Provincial Government] may, from time to time, prescribe.

[4][The expression "officer of Police" in this section shall not be deemed to include a Police patel appointed under Bombay Act No. VIII of 1867 (*for the Regulation of the Village-police in the Presidency of Bombay*).]

39. When any dispute arises as to, or there is a prospect of litigation regarding any matter within the cognizance of a Civil Court between two or more parties, one of whom is an agriculturist residing within any local area for which a Conciliator has been appointed, or when application for execution of any decree in any suit to which any such agriculturist is a party, and which was passed before the date on which this Act comes into force, is contemplated, any of the parties may apply to such Conciliator to effect an amicable settlement between them. Matters which may be brought before Conciliator.

40. If the application be made by one of the parties only, the Conciliator shall take down, or cause to be taken down, in writing a concise statement of the applicants' case, and shall thereupon, by summons or by such other means as he deems fit, invite the person against whom such application is made to attend before him at a time and place to be fixed for this purpose, and shall direct the applicant also to be present at such time and place. Procedure thereupon.

If such person fails to appear at the time first fixed, the Conciliator may, if he thinks fit, from time to time extend the period for his appearance. Day for attendance may from time to time be postponed.

[5][A Conciliator empowered by the [2][Provincial Government] in this behalf may instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.]

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[1] For the Code of Civil Procedure, *see* now Act 5 of 1908.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[3] The appointments of Conciliators have been cancelled by G. N., J. D., No. 3478, dated the 10th May 1913 (*vide B. G. G.*, Pt. 1, p. 752).

[4] This paragraph was added by s. 7 of the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

[5] These paragraphs were added by s. 8 of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886).

[1][If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code]. XLV of 1860.

When all parties appear, Conciliator to endeavour to reconcile them.

41. Whenever all the parties are present, the Conciliator shall call upon each in turn to explain his case regarding the matter in question, and shall use his best endeavours to induce them to agree to an amicable settlement or to submit such matter to arbitration.

Conciliator to hear statements of witnesses, etc.

42. The Conciliator shall hear but shall not record the statement of any witness, and shall peruse any book of account or other document produced by the parties, or so much thereof as may be necessary, and if any party or witness consents in writing to affirm any statement upon oath in any form not repugnant to justice or decency and not purporting to affect any third person, shall provide for such oath being duly taken in the presence of all the parties.

Any agreement arrived at to be reduced to writing.

43. If on the day on which the case is first heard by the Conciliator, or on any subsequent day to which he may adjourn the hearing, the parties come to any agreement, either finally disposing of the matter or for referring it to arbitration, such agreement shall be forthwith reduced to writing, and shall be read and explained to the parties, and shall be signed or otherwise authenticated by the Conciliator and the parties respectively.

Explanation.—A Conciliator may be appointed arbitrator under this section.

Procedure when agreement finally disposes of case and in other circumstances

[2]44. [(*1*) When the agreement is one finally disposing of the matter, the Conciliator shall forward the same in original to the Court of the Subordinate Judge of lowest grade having jurisdiction in the place where the agriculturist who is a party thereto resides, and shall at the same time deliver to each of the parties a written notice to show cause before such Judge, within one month from the date of such delivery, why such agreement ought not to be filed in such Court.

(*2*) The Court which receives the agreement shall in all cases scrutinise the same, and if it thinks that the agreement is a legal and equitable one finally disposing of the matter, and that it has not been made in fraud of the stamp or registration laws, it shall, after the expiry of the said period of one month, unless cause has been shown as aforesaid, order such agreement to be filed ; and it shall then take effect as if it were a decree of the said Court passed on the day on which it is ordered to be filed and from which no appeal lies.

(*3*) If the said Court thinks that the agreement is not a legal or equitable one, or that it does not finally dispose of the matter, or that it has been made in fraud of the stamp or registration laws, it shall of its own motion issue process for the attendance of the parties, and if after such inquiry as may be deemed necessary the Court finds that such agreement is a legal and equitable one finally disposing of the matter, and that it has not been made in fraud of the stamp or registration laws, it shall order such agreement to be filed ; and it shall then take effect as if it were a decree of the said Court passed on the day on which it is ordered to be filed, and from which no appeal lies.

(*4*) If, on the other hand, the said Court finds that the agreement does not constitute a legal or equitable agreement, or that it does not finally dispose of the matter, or that it has been made in fraud of the stamp or registration laws, it shall return the said agreement to the Conciliator, and such Conciliator shall thereupon be bound to furnish on demand to the parties or any one of them a certificate under section 46.

[1] These paragraphs were added by s. 8 of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886).

[2] This section was substituted for section 44 by s. 12 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

(5) The Court may in any case, for reasons to be recorded by it in writing, from time to time extend the period of one month allowed for showing cause under this section.]

45. When the agreement is one for referring the matter to arbitration, the Conciliator shall forward it to the Court having jurisdiction in the matter, and such Court shall cause it to be filed and proceed thereon in manner provided by sections 523 and 524 of the [1]Code of Civil Procedure. Procedure where agreement is for reference to arbitration.

46. If the person against whom any application is made before a Conciliator cannot after reasonable search be found, or if he refuses or neglects, after a reasonable period has been allowed for his appearance, to appear before the Conciliator, or if he appears but the endeavour to induce the parties to agree to an amicable settlement or to submit the matter in question to arbitration fails, the Conciliator shall, on demand, give to the applicant, or when there are several applicants to each applicant, a certificate under his hand to that effect. Certificate to be given to applicant if conciliation fails.

47. No suit, and no application for execution of a decree passed before the date on which this Act comes into force, to which any agriculturist residing within any local area for which a Conciliator has been appointed is a party, shall be entertained by any Civil Court unless the plaintiff produces [2][a certificate in reference thereto obtained by him under section 46 within the year immediately preceding]. Suit, or application for execution, not to be entertained, by Civil Court unless such certificate is produced.

[3][*Explanation.*—The expression "Civil Court" in this section does not include a Mámlatdár's Court under Bombay Act No. III of 1876 [4](*to consolidate and amend the law relating to the powers and procedure of Mámlatdár's Courts*).]

[5][**48.** In computing the period of limitation prescribed for any such suit or application the time intervening between the application made by the plaintiff under section 39 and the grant of the certificate under section 46 shall be excluded.] Allowance to be made in period of limitation.

[6]* * * * * * *

48A. [*Repealed.*]

49. The [7][Provincial Government] may from time to time make rules— Provincial Government to make rules.

(*a*) regulating the procedure before Conciliators in matters not provided for by this Act;

(*b*) fixing the charges to be made by Conciliators for anything done by them under this Chapter; and

(*c*) determining what record and accounts shall be kept by Conciliators, and what returns shall be framed and furnished by them.

CHAPTER VII.

SUPERINTENDENCE AND REVISION.

50. The District Judge shall inspect, supervise and control the proceedings, under [8][Chapter II, Chapter IV and Chapter VI] of this Act, of all Subordinate Judges and the proceedings of all Village-munsifs and Conciliators. District Judge to inspect, etc.

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[1] For the Code of Civil Procedure, *see* now Act 5 of 1908.

[2] These words were substituted for the words "such certificate as aforesaid in reference thereto" by s. 13 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[3] This *Explanation* was added by s. 9 of the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

[4] This reference to Bombay Act No. III of 1876 should now be read as applying to Bombay Act No. II of 1906.

[5] This section was substituted for section 48 by s. 10 of the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

[6] The second paragraph was repealed by the Repealing and Amending Act, 1891 (12 of 1891).

[7] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[8] These words and figures were substituted in ss. 50 and 51 for the words and figures "Chapter II and Chapter IV" by s. 14 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

District Judge may withdraw case from Conciliator or Subordinate Judge.

[1]51. [The District Judge may—

(*a*) transfer any application pending before a Conciliator to the file of any other Conciliator ;

(*b*) [2][transfer from the Court of one Subordinate Judge to another any suit or any agreement pending before a Subordinate Judge under section 44 of this Act ; or] transfer to his own file any suit or other matter pending before the Court of any Subordinate Judge under [3][Chapter II, Chapter IV or Chapter VI] of this Act, and may dispose of the same as if he were a Subordinate Judge ; or

or sit with Subordinate Judge as a Bench for trial of any case.

(*c*) stay the proceedings in any such suit or matter, and sit together with such Judge as a Bench to dispose of such suit or matter in accordance with the provisions of this Act.

If the members of any Bench sitting under this section differ in opinion the opinion of the District Judge shall prevail.]

Appointment of Assistant or Subordinate Judges to aid District Judge.

[4][52. (*1*) The [5][Provincial Government] may appoint an Assistant or Subordinate Judge to inspect and supervise, subject to the control of the District Judge, the proceedings of all Subordinate Judges under Chapter II, Chapter IV and Chapter VI of this Act, and of all Village-munsifs and Conciliators in any district or part of a district to which this Act applies :

Provided that, if the [6][Provincial Government] thinks fit, the same Assistant or Subordinate Judge may be so appointed for two or more such districts or parts of districts or districts and parts of districts.

(*2*) The District Judge may, by order, confer upon any Assistant or Subordinate Judge appointed under this section, as regards any district or part of a district for which he is so appointed, all or any of the powers specified in the order which vest in the District Judge under section 51.]

Of revision.

53. The District Judge may, for the purpose of satisfying himself of the legality or propriety of any decree or order passed by a Subordinate Judge in any suit or other matter under [6][Chapter II, Chapter IV or Chapter VI] of this Act, and as to the regularity of the proceedings therein, call for and examine the record of such suit or matter, and pass such decree or order thereon as he thinks fit ;

and any Assistant Judge or Subordiante Judge appointed by the [5][Provincial Government] under section 52 may similarly, in any district for which he is appointed, call for and examine the record of any such suit or matter, and if he see cause therefor, may refer the same, with his remarks thereon, to the District Judge, and the District Judge may pass such decree or order on the case as he thinks fit :

Provided that no decree or order shall be reversed or altered for any error or defect or otherwise, unless a failure of justice appears to have taken place.

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[1] This section was substituted for section 51 by s. 11 of the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

[2] These words were inserted by s. 13 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

[3] These words and figures were substituted in ss. 50 and 51 for the words and figures "Chapter II and Chapter IV" by s. 14 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[4] This section was substituted for section 52 by s. 14 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

[5] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[6] These words and figures were substituted for the words and figures "Chapter II or Chapter IV" by s. 14 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

54. The [1][Provincial Government] from time to time may [2]* * * * * * * * * * appoint an officer, as Special Judge, to discharge in the place of the District Judge all the functions of the District Judge under this Act in respect of the proceedings of all Subordinate Judges, Village-munsifs and Conciliators and may cancel any such appointment. Special Judge.

Such Special Judge shall not, without the previous sanction of the [1][Provincial Government], discharge any public function except those which he is empowered by this Act to discharge.

If any conflict of authority arises between the Special Judge and the District Judge, the High Court shall pass such order thereon consistent with this Act as it thinks fit.

No appeal shall lie from any decree or order passed by the District Judge under this Chapter, or by the Special Judge, or by an Assistant or Subordinate Judge appointed under section 52, or by a Bench, in any suit or proceeding under this Act.

[3][But the District Judge or Special Judge, or any Assistant or Subordinate Judge or Bench, may refer to the High Court, under section 617 of the [4]Code of Civil Procedure, any question of law, or usage having the force of law, or the construction of a document, arising in any case pending before him or it under this Chapter as if that case were a suit or an appeal pending before him or it; and, in respect of every reference so made, sections 618 to 621 of the said Code, both inclusive, shall apply :]

[3][Provided that no reference shall be made under this section by any Assistant or Subordinate Judge, or by any Bench of which the District Judge or Special Judge is not a member, without the previous sanction of the District Judge or Special Judge, as the case may be.]

CHAPTER VIII.[5]

REGISTRATION BY VILLAGE-REGISTRARS.

55. The [1][Provincial Government] may from time to time,— Appointment of Village-registrars.

(*a*) appoint such persons as it thinks fit, whether public officers or not, to be Village-registrars for such local areas as it may, from time to time, prescribe;

(*b*) direct the Village-registrar for any local area to discharge the functions of a Village-registrar for any other local areas concurrently with the village-registrars of such other local areas; and

(*c*) delegate to any person, by name or in virtue of his office, the powers conferred on it by this section;

and may cancel any such appointment, direction or delegation.

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "and if the Government of India so direct shall" were omitted by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[3] These paragraphs were added by s. 15 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[4] For the Code of Civil Procedure, *see* now Act 5 of 1908.

[5] As the Village-registrars have now been abolished (*vide* G. R., R. D., No. 9669, dated 23rd February 1910) the chapter on "Registration by Village-registrars" has been rendered inoperative since the special procedure laid down in this chapter applies only in an area for which a Village-registrar has been appointed (s. 56). However, as provided by s. 63-A of the Act the procedure laid down in ss. 57 and 59 of this chapter still applies to registration by Sub-Registrars appointed under the Indian Registration Act, 1908.

Instruments executed by agriculturist not to be deemed valid unless executed before a Village-registrar.

56. No instrument which purports to create, modify, transfer, evidence or extinguish an obligation for the payment of money or a charge upon any property, or to be a conveyance or lease, and which is executed after this Act comes into force by an agriculturist residing in any local area for which a Village-registrar has been appointed, shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon by any such person or by any public officer, unless such instrument is written by, or under the superintendence of, and is attested by, a Village-registrar:

Provided that nothing herein contained shall prevent the admission of any instrument in evidence in any criminal proceeding, [1][or apply to any instrument which is executed by an agriculturist merely as a surety,] [2][or to any instrument required by section 17 of the [3]Indian Registration Act, 1877, to be registered under that Act]. III of 1877.

Such instruments to be written by, or under the superintendence of, a Village-registrar and executed in his presence.

[4]**57.** [When any persons intend to execute any instrument to which section 56 applies, all such persons shall appear before the Village-registrar appointed for the area in which the agriculturist, or, when there are several agriculturists intending to execute the instrument, any one of such agriculturists, resides, and such registrar, after satisfying himself in such manner as he deems fit as to the identity of the intending executants and receiving the fee (if any) prescribed by the [5][Provincial Government] in this behalf, and the stamp (if any) which may be required by law, shall write the instrument, or cause the same to be written under his superintendence; and, after reading the same aloud, or causing it to be so read, in the hearing of the intending executants, shall require them to execute it in his presence.

Attestation of such instruments.

Every instrument so written and executed shall at the time of execution be attested by the Village-registrar, and also, if any of the executants thereof is unable to read such instrument, by two respectable witnesses.

For the purposes of this section every executant of any such instrument shall appear in person before the Village-registrar; but every other party thereto may appear either in person or by any agent, being his relative, servant or dependant, whom he has duly furnished with a power-of-attorney, [6][executed and authenticated in such manner as the [5][Provincial Government] may, from time to time, by rule prescribe,] authorising him to appear and act on his behalf.]

Registration of instruments by Village-registrars.

58. Every Village-registrar shall keep a register of instruments executed before him in such form as shall, from time to time, be prescribed by the Inspector-General of Registration.

As soon as all the [7][intending executants have executed any instrument] before a Village-registrar, he shall make a copy of it or cause a copy of it to be made in his register, and shall deliver the original instrument to the party entitled to the custody of the same [8]* * * *.

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[1] These words were inserted by s. 12 of the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

[2] This portion was added by s. 9 of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886).

[3] *See* now Act 16 of 1908.

[4] This section was substituted for section 57 by s. 13 of the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

[5] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[6] These words were inserted by s. 16 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[7] These words were substituted for the words "parties to any instrument have executed it" by s. 14 of the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

[8] The words "and a certified copy thereof to the other party, or to each of the other parties if there be more than one" were repealed by s. 10 (*1*) of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886).

Previous to delivery, the original instrument [1]* * * * shall be endorsed under the Village-registrar's signature, with the date of registration, the name and residence of the Village-registrar, and the volume and page of the register in which the instrument has been registered.

[2][A certified copy of any entry in the register shall be granted by the Village-registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument.]

59. In every instrument written by, or under the superintendence of, the Village-registrar, the amount and nature of the consideration, if any, shall be fully stated. Consideration to be fully stated in every instrument executed before a Village-registrar.

The Village-registrar shall also endorse upon the instrument a note under his hand, recording whether or not the transfer of the consideration stated therein, or of any part thereof, took place in his presence.

If the instrument modifies, or wholly or partly supersedes, a previous instrument, such previous instrument shall be produced before the Village-registrar and shall be fully described in the instrument to be executed, and shall be marked by the Village-registrar under his hand for identification: Previous instrument to be produced.

[3][Provided that, if it is alleged that any such previous instrument is on the record for otherwise in the custody of a Court, or is lost, or has been destroyed, the Village-registrar, after ascertaining that such previous instrument was duly registered, may permit a certified copy thereof to be produced in lieu of the original; and in every such case the following procedure shall be observed, that is to say: Production of copy of previous instrument when to be permitted.

(*a*) the contents of the certified copy shall be fully described in the modifying or superseding instrument, and the said copy shall be marked by the Village-registrar under his hand for identification, and shall then be delivered to the person who produced it;

(*b*) if the previous instrument is lost, or has been destroyed, and the registered entry thereof is in his custody, the Village-registrar shall endorse on such entry a note under his hand as to the modification or supersession of the said instrument;

(*c*) if the previous instrument is in the custody of a Court, or if it is lost, or has been destroyed, and the registered entry thereof is in the custody of another officer, the Village-registrar shall forward a certified copy of the entry in his register relating to the modifying or superseding instrument to such Court or officer, with a report explaining the circumstances, and such Court or officer shall on receipt thereof endorse on such previous instrument or registered entry a note as to the modification or supersession of the said instrument.]

60. Every instrument executed and registered in accordance with the foregoing provisions shall be deemed to have been duly registered under the provisions of the [4]Indian Registration Act, 1877; and no instrument which ought to have been executed before a Village-registrar but has been otherwise executed shall be registered by any officer acting under the said Act, or in any public office, or shall be authenticated by any public officer. Registration under this Act to be deemed equivalent to registration under Indian Registration Act, 1877.

III of 1877.

[1] The words "and each such copy" were repealed by s. 10 (*2*) by Act 23 of 1886.
[2] This paragraph was added by, s. 10 (*3*), *ibid.*
[3] This proviso was added by s. 3 of the Dekkhan Agriculturists' Relief Act, 1902 (Bom. I of 1902).
[4] *See* now Act 16 of 1908.

Superintendence of Village-registrars and custody and destruction of their records.

61. [1][(*1*) The [2][Provincial Government] may appoint one, or more officers to exercise by themselves or their subordinates a general superintendence over all Village-registrars, and may either make rules, or empower such officer or officers to make rules, from time to time, consistent with this Act, for regulating the proceedings of the Village-registrars and for providing for the custody of their records.

(*2*) [2][The Provincial Government] may, by order to be published in the [3][Official Gazette], declare that any documents other than wills remaining unclaimed in any registration office in any district or part of a district to which this Act applies, for a period exceeding two years, may be destroyed.]

Exemption of instruments to which the Crown or any officer of the Crown is a party.

62. Nothing in this Act shall be deemed to require any instrument, to which [4][the Crown] or any officer [5][of the Crown] in his official capacity is a party, to be executed before a Village-registrar [6]* * * *

Power of Provincial Government to make rules.

63. The [2][Provincial Government] may, from time to time, make rules regulating the appointment, suspension, dismissal and remuneration of Village-registrars, and prescribing the fees to be levied by them.

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[7]CHAPTER VIIIA.

REGISTRATION OF INSTRUMENTS REFERRED TO IN SECTION 17 OF THE INDIAN REGISTRATION ACT, 1877.

Mode of execution by agriculturists of instruments required to be registered under Act III of 1877.

63A. (*1*) When an agriculturist intends to execute any instrument required by section 17 of the [8]Indian Registration Act, 1877, to be registered under that Act, he shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-registrar, shall write the instrument, or cause it to be written and require it to be executed, and attest it and, if the executant is unable to read the instrument, cause it to be further attested, and otherwise act in accordance with the procedure prescribed for a Village-registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the [8]Indian Registration Act, 1877. III of 1877. III of 1877.

(*2*) An instrument to which sub-section (*1*) applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section [9]* * * * *.

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[1] This section was substituted for the original section 61 by s. 15 of the Dekkhan Agriculturists Relief Act, 1895 (6 of 1895).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "Official Gazette" were substituted for the words "Government Gazette", *ibid.*

[4] The words "the Crown" were substituted for the words "the Government", *ibid.*

[5] The words "of the Crown" were substituted for the words "of Government", *ibid.*

[6] The words "or any Society registered under the Co-operative Credit Societies Act, 1904," which were inserted by Bombay Act 1 of 1910, have been repealed by Bombay Act I of 1912, s. 3.

[7] Ch. VIIIA was inserted by s. 11 of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886).

[8] *See* now Act 16 of 1908.

[9] The words, brackets and figures "sub-section (*1*) shall not apply to any instrument to which any Society registered under the Co-operative Credit Societies Act, 1904, is a party" which were inserted by Bom. 1 of 1910, have been repealed by Bom. 1 of 1912, s. 3.

CHAPTER IX.

Of Receipts and Statements of Account.

64. The person to whom any agriculturist makes any payment of money in liquidation of a debt shall, at the time of such payment, tender to such agriculturist, whether he demands the same or not, a written receipt for the amount of such payment. Agriculturists entitled to written receipts:

If such payment is made under any instrument executed before a Village-registrar, the receipt shall, if the agriculturist so require, be endorsed on the copy of the instrument furnished to him under section 58.

65. Any agriculturist by whom any money is due under any instrument shall, on such date in each year as the [1][Provincial Government] having regard to local custom may, from time to time, by notification in the official Gazette, fix, be entitled to receive, on demand, from the person claiming under such instrument, a statement up to that date of his account under such instrument. Annual statements of account.

66. Any agriculturist in whose name an account is kept by any trader or money-lender shall be entitled to receive from such trader or money-lender, on demand, a pass-book; and to require, from time to time, that his account up to date be written therein and authenticated by the signature or mark of the said trader or money-lender. To have account made up from time to time in a pass-book.

An entry so made in any such pass-book of any payment made to the trader or money-lender shall be deemed to be equivalent, for the purposes of section 64, to the grant of a receipt for the amounts so entered.

No person whose account has been written in a pass-book as required by this section shall be entitled also to demand an account under section 65.

67. Any person who, in contravention of section 64, 65, or 66, refuses or neglects to tender a receipt or a statement of account or a pass-book, or to write, or cause to be written, any account or any part of an account in a pass-book, or to attest the same when so written, shall be punished for each such offence with fine which may extend to one hundred rupees. Penalty for contravention of sections 64 to 66.

CHAPTER X.

Legal Practitioners.

68. [2][No pleader, vakil or mukhtar and no advocate or attorney of a High Court shall be permitted to appear on behalf of any party to any case before a Conciliator or a Village-munsif [3]* * * * *: Pleaders, etc., excluded in certain cases.

Provided that any party to any such case may be permitted, on reasonable cause being shown to the satisfaction of the Conciliator or Village-munsif, to employ any relative, servant or dependant who is not, and has not previously been, a pleader, vakil or mukhtar, or an advocate or attorney of a High Court, to appear either conjointly with, or in lieu of, such party.

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[2] This section was substituted for the original section 68 by s. 15 of the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

[3] The words "the subject-matter whereof does not exceed in amount or value one hundred rupees" were repealed by s. 17 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

When a relative, servant or dependant appears in lieu of a party, he shall be furnished by him with a power-of-attorney defining the extent to which he is empowered to act.]

Power of Court to appoint pleader for agriculturist.

69. When in any suit or proceeding before a Subordinate Judge under this Act to which an agriculturist is a party, any pleader, vakil or mukhtar, or any advocate or attorney of a High Court, appears on behalf of any party opposed to such agriculturist, the Subordinate Judge, if he is of opinion that such agriculturist has not the means of obtaining proper professional assistance, may with the consent of such agriculturist, direct the Government pleader or any other fit person (who is willing so to do) to appear on his behalf.

CHAPTER XI.

MISCELLANEOUS.

Mortgages, etc., to be valid only when written.

70. No mortgage, lien or charge of or upon any immovable property, belonging to an agriculturist shall be valid unless it is created by an instrument in writing under the hand of the person creating such mortgage, lien or charge.

Nothing in this section shall apply to any mortgage, lien or charge created by mere operation of law, or in favour of the Government or of any officer of the Government in his official capacity.

Bar of application of section 258, Act XIV, 1882

[1]**71.** [The last clause of section 258 of the [2]Code of Civil Procedure shall not apply to payments out of Court made in any proceeding under this Act, in any case where an acknowledgment by the judgment-creditor for the same is produced, or when the payment is either admitted by him or proved.] XIV of 1882.

Rate of interest allowable on taking an account.

[3]**71A.** In taking an account under section 13 or any suit under this Act where interest is chargeable, such interest shall be awarded at the following rates :—

(*a*) the rate, if any, agreed upon between the parties or the persons (if any) through whom they claim, unless such rate is deemed by the Court to be unreasonable ; or

(*b*) if such rate is deemed by the Court unreasonable, or if no rate was agreed upon, or, when any agreement between the parties or the persons (if any) through whom they claim, to set off profits against interest and assessment and similar charges without an account has been set aside by the Court, such rate as the Court may deem reasonable.]

Limitation.

[4]**72.** [In any suit [5][of the description mentioned in section 3, clause (*w*)] for the recovery of money from a person [6]* * * * who at the time when the cause of action arose was an agriculturist [7][in any of the districts of

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[1] Section 71 was inserted by s. 16 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895). The original s. 71 (which was repealed by Act 23 of 1881) related to registration of mortgages executed before the passing of the Act.

[2] *See* now Act 5 of 1908.

[3] Section 71A was inserted by s. 17 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

[4] This section was substituted for the original s. 72 by s. 17 of the Dekkhan Agriculturists' Relief Act, 1881 (23 of 1881).

[5] These words were substituted for the words "under this Act" by s. 12 (*1*) of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886).

[6] The words "not being merely a surety for the principal debtor" were repealed by s. 12 (*2*), *ibid.*

[7] These words were inserted by s. 18 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

Poona, Satara, Sholapur, and Ahmednagar], the following periods of limitation shall be deemed to be substituted for those prescribed in th second column of the Second Schedule annexed to the [1]Indian Limitation Act, 1877 (that is to say) :—

XV of 1877.

(*a*) when such suit is founded on a written instrument registered under this Act on any law in force at the date of the execution of such instrument, —twelve years;

(*b*) in any other case,—six years:

[2]Provided that nothing in this section shall—

(*i*) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal debtor was not at the time when the cause of action arose, an agriculturist [3][in any of the districts aforesaid], or

(*ii*) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force.]

73. [*Decision as to whether person is an agriculturist, final.*] *Rep. Act VI of 1895. s. 3.*

Certain agricultural produce exempted from attachment, etc.

[4][**73A.** When the Collector has taken any immovable property of a judgment-debtor or insolvent into his possession under section 22 or section 29 he may by an order in writing, direct that any other such property not so taken shall be deemed to be reserved for the support of the judgment-debtor or insolvent and the members of his family dependent on him, and may rescind that order.

While any such order continues in force in respect of any immovable property, agricultural produce grown on that property shall not be attached or sold in execution of a decree passed whether before or after this Act comes into force and shall not vest in the receiver appointed in any insolvency proceedings.]

Civil Procedure Code to apply in Subordinate Judges' Courts.

74. Except in so far as it is inconsistent with this Act, the Code of Civil Procedure shall apply in all suits and proceedings before Subordinate Judges under this Act.

Co-operative Credit Societies.

[5][**74A.** Except section 2 and section 21, the provisions of this Act shall not apply to any matter to or in which any society registered under the [6]Co-operative Credit Societies Act, 1904, is a party.]

X of 1904.

Additional power to make rules.

75. The [7][Provincial Government] may, from time to time, make all such rules as it may deem necessary for carrying out the provisions herein contained.

Rules to be published.

76. All rules made by the [7][Provincial Government] under this Act shall be published in the official Gazette and shall thereupon, in so far as they are consistent with this Act, have the force of law.

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[1] *See* now Act 9 of 1908.

[2] This proviso was substituted for the original proviso by s. 12 (*3*) of the Dekkhan Agriculturists' Relief Act, 1886 (23 of 1886).

[3] These words were inserted by s. 18 of the Dekkhan Agriculturists' Relief Act, 1895 (6 of 1895).

[4] S. 73A was inserted by s. 18 of the Dekkhan Agriculturists' Relief Act, 1882 (22 of 1882).

[5] S. 74A was inserted by s. I of the Dekkhan Agriculturists' Relief (Amendment) Act, 1912 (Bom. 1 of 1912).

[6] *See* now Bom. 7 of 1925.

[7] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

THE BROACH AND KAIRA INCUMBERED ESTATES ACT, 1881.

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ACT No. XXI of 1881.[1]

[THE BROACH AND KAIRA INCUMBERED ESTATES ACT, 1881.]

[*7th September 1881.*]

Amended by Bom. 2 of 1919.
Repealed in part, by Act 38 of 1920.
Declared not to be in force in the Panch Mahals by Act 7 of 1885.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Repealed in part by Act 1 of 1938.
Adapted and modified by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

An Act to amend the law providing for the relief of Thakurs in the Districts of Broach and Kaira.

WHEREAS it is expedient to amend the law providing for the relief of Thakurs in the Districts of Broach and Kaira; It is hereby enacted as follows:— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called Broach and Kaira Incumbered Estates Act, 1881: and it shall come into force on the passing thereof. Short title. Commencement.

2. [*Partial repeal of Act XIV of 1877.*] *Rep. Act I of 1938.*

3. In this Act— Interpretation-clause.

"thakur" means also Talukdar, Jagirdar, and Kasbati, and such other classes of holders of estates as the [2][Provincial Government] may [3]* * * * * declare to be thakurs for the purposes of this Act:

"heir" means the person for the time being entitled as heir to a thakur:

"Commissioner" means the Revenue Commissioner of the Northern Division of the Presidency of Bombay.

CHAPTER II.

OF THE APPLICATION AND PRELIMINARY INQUIRY.

4. At any time within six months after the passing of this Act, any thakur, or any person who would be sole heir or one of the heirs to such thakur if he then died intestate, may apply, in writing, to the Commissioner stating that such thakur is subject to debts or liabilities, other than debts due, or liabilities incurred, to [4][the Crown], or that his immovable property is charged with debts or liabilities other than as aforesaid, and requesting that the provisions of this Act be applied to his case. Application for benefit of Act.

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[1] For Statement of Objects and Reasons, *see* Gazette of India, 1881, Pt. V. p. 953, and for Proceedings in Council, *see ibid*, Supplement, pp. 435, 451, 1060 and 1092.

This Act is not in force in the Panch Mahals—*see* the Panch Mahals Laws Act, 1885 (7 of 1885) s. 2 (*1*).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "with the previous sanction of the Governor General in Council" were omitted by s. 2 and Schedule I of the Devolution Act, 1920 (38 of 1920).

[4] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

When any thakur or other person entitled to make an application under this section is a minor, or of unsound mind, or an idiot, such application may be made on his behalf by the guardian or other legal curator of his person, or by the legally constituted administrator or manager of his estate.

Order to inquire.

5. When any such application is made by or on behalf of a thakur, or the person who would be his sole heir if he then died, the Commissioner shall direct an inquiry to be made by such officer as he thinks fit into the nature and amounts of such debts and liabilities and the sufficiency of the debtor's property, whether moveable or immoveable, to discharge the same.

When such an application is made in any other case, it shall be in the discretion of the Commissioner, subject to any general rules which may from time to time be made by the [1][Provincial Government] in this behalf, either to reject such application or to direct an inquiry to be made as aforesaid.

Verified statement to be submitted.

6. When an inquiry has been directed under section 5, the applicant shall, within a period to be fixed by the Commissioner, submit to the officer appointed to make such inquiry a statement duly verified by the said applicant, or by some other competent person, in the manner required by law for the verification of plaints, and containing, so far as may be practicable, such details as to the debts and liabilities, and as to the sufficiency of the debtor's property, whether movable or immovable, to meet the same, as the Commissioner, or the said officer subject to his control, may require.

False averments in statement.

If any such statement contains any averment which the person making the verification knows or believes to be false, or does not know or believe to be true, such person shall be deemed to have intentionally given false evidence within the meaning of the Indian Penal Code. XLV of 1860.

Report of inquiry and proceedings thereon.

7. The officer so appointed, after making inquiry, shall submit a report of his proceedings to the Commissioner.

On receipt of such report, the Commissioner may—

(*a*) direct a further inquiry, or

(*b*) dismiss the application, or

(*c*) by order published in the [2][Official Gazette], direct that the immovable property of the debtor shall be managed, and that his debts shall be liquidated, in the manner hereinafter provided, by a manager.

The Taluqdari Settlement-officer[3] for the time being shall, unless the [4][Provincial Government] in any case otherwise directs, be such manager.

CHAPTER III.

Of the Order of Management.

"Order of management"; to what it extends.

8. Such order (hereinafter called "the order of management") shall extend to all immovable property of or to which the debtor is on the date of its publication possessed or entitled in his own right, or which he is entitled to redeem, or which may be acquired by or devolve on him during the continuance

[1] The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

[3] As to this Officer, *see* the Broach and Kaira Incumbered Estates Act, 1877 (14 of 1877), s. 40.

[4] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation o Indian Laws Order in Council.

of the management, and to all debts and liabilities to which he is subject or which are charged on the whole or any part of his immovable property on the said date, and to the amount of any loan which may be received by the manager from Government in the manner hereinafter provided.

The management shall be deemed to commence from the date on which the order is published. **Commencement of management.**

9. On the publication of the order of management the following consequences shall ensue :— **Effect of order of management.**

first, all proceedings then pending in any Civil Court in [1][a Province of India] in respect to the debts and liabilities mentioned in section 8 shall be stayed; and the operation of all processes, executions and attachments then in force for or in respect of such debts and liabilities shall be suspended; **Stay of pending proceedings, etc.**

secondly, so long as the management continues, no fresh proceedings processes, executions or attachments shall be instituted in or issued by any Civil Court in [1][a Province of India] in respect of such debts and liabilities; **Bar of fresh proceedings.**

thirdly, so long as the management continues, the debtor shall be incompetent— **The debtor incompetent— to contract debts, to incumber or alienate property, to grant receipts for rent.**

(*a*) to enter into any contract involving him in pecuniary liability, or

(*b*) to mortgage, charge, lease or alienate the property under management or any part thereof, or

(*c*) to grant valid receipts for the rents and profits arising or accruing therefrom :

Provided that nothing contained in this clause shall be deemed to preclude the manager from letting, and the debtor from taking, the whole or any part of such property on such terms consistent with this Act as may be agreed upon between the parties;

fourthly, so long as the management continues, no person other than the manager shall be competent to mortgage, charge, lease or alienate such property or any part thereof.

10. The manager shall, during the management of the property, have all powers which the owner thereof might, as such, have legally exercised, and shall receive and recover all rents and profits due in respect of the property under management; **Manager to have powers of owner and to receive rents and profits; to have powers of Collector for their recovery.**

and for the purpose of recovering such rents and profits shall have, in addition to any powers possessed by a thakur, all the powers possessed by a Collector, under the law for the time being in force, for securing and recovering land-revenue due to Government:

Provided that he shall not, before the liquidation-scheme hereinafter mentioned has been sanctioned, demise the property under management, or any part thereof, for any term exceeding two years to take effect in possession.

11. From the sums received or recovered under section 10, the manager shall pay— **Manager to pay therefrom cost of management and repairs.**

first, the costs of the management, including the costs of necessary repairs;

[1] These words were substituted for the original words by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

Government revenue, etc.

secondly, the Government revenue and all debts and liabilities for the time being due or incurred [1][to the Crown] in respect of the property under management;

rent due to superior holder:

thirdly, the rent (if any) due to any superior holder in respect of the said property;

allowance for maintenance and expenses of debtor and family,

fourthly, such periodical allowance as the Commissioner may from time to time fix for the maintenance and other necessary expenses of the debtor and of such members of his family as the Commissioner directs;

cost of improvements, etc.

fifthly, the cost of such improvements of the said property as he thinks necessary, and as are approved by the Commissioner.

Residue how disposed of.

The residue shall be retained by the manager for the liquidation, in manner hereinafter provided, of the debts and liabilities mentioned in section 8, other than those so due or incurred [1][to the Crown], and also for the repayment, either before or after the liquidation of such debts and liabilities, of any loan received from Government by the manager under this Act.

CHAPTER IV.

PROOF OF DEBTS AND SCHEME FOR LIQUIDATION.

Notice to claimants against debtor.

12. On the publication of the order of management, the manager shall publish in the [2][Official Gazette] a notice in English and Gujrati calling upon all persons having claims against the debtor or the property under management to notify the same in writing to such manager within six months from the date of the publication.

Copies of notice to be exhibited.

He shall also cause copies of such notice to be exhibited at the Mamlatdars' kacharis in the district in which the said property lies, and at such other places as he thinks fit.

Claim to contain full particulars.

13. Every such claimant shall, along with his claim, present full particulars thereof.

Documents to be given up.

Every document on which the claimant founds his claim, or on which he relies in support thereof, shall be delivered to the manager along with the claim.

Entries in books.

If the document be an entry in any book, the claimant shall produce the book to the manager, together with a copy of the entry on which he relies. The manager shall mark the book for the purpose of identification, and, after examining and comparing the copy with the original, shall return the book to the claimant.

Power to exclude document not produced with claim.

If any document in the possession or under the control of the claimant is not delivered or produced by him to the manager along with the claim, the manager may refuse to receive such document in evidence on the claimant's behalf at the investigation of the case.

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[1] The words "to the Crown" were substituted for the words "to Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" *ibid.*

14. Every such claim (other than claims of the [1][Crown] not notified to the manager within the time and in the manner required by such notice shall, except as provided in section 19, clause (*d*), be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged : Claim not duly notified to be barred.

Provided that, when proof is made to the manager that the claimant was unable to comply with the provisions of section 12, the manager may receive such claim within the further period of six months from the expiration of the original period of six months. Admission of claims within further period of six months.

15. The manager shall inquire into the history and merits of every claim received under sections 12 and 14, and shall, in accordance with the rules to be made under this Act, determine the amount of the debts and liabilities (if any) justly due to the several claimants. Determination of debts and liabilities.

16. If such amount cannot be paid at once, the manager shall then proceed to rank such debts and liabilities according to the order in which they shall be paid and to fix the interest (if any) to be paid thereon, respectively, from the date of the final decision thereon, to the date of the payment and discharge thereof. Power to rank debts and to fix interest.

17. When the total amount of the debts and liabilities (including those due and incurred [2][to the Crown], has been finally determined, the manager shall prepare and submit to the Commissioner a schedule of such debts and liabilities, and a scheme (hereinafter called the liquidation-scheme) showing the mode in which it is proposed to pay and discharge the same, whether from the income of the property under management, or with the aid of funds raised under the powers hereinafter conferred, or partly in one of such ways and partly in the other. Scheme for liquidation.

Every such scheme shall further provide for the continuance of the payments to be made by the manager under section 11, and for the repayment of the money (if any) which the manager proposes to borrow from Government under this Act, and may provide for the improvement of the property under management either from the said income, or with the aid of the funds raised as aforesaid, or partly in one of such ways and partly in the other. Provisions of scheme.

18. The Commissioner may— Proceedings of Commissioner on submission of scheme.

(*a*) as often as he thinks fit send back such scheme to the manager for revision, and direct him to make such further inquiry as may be requisite for the proper preparation of the scheme, or

(*b*) sanction any liquidation-scheme, or any revised liquidation-scheme submitted to him, either as it stands, or subject to such modifications as he may deem expedient.

19. At any time before he has sanctioned a liquidation-scheme under section 18, the Commissioner may, by an order published in the [3][Official Gazette], direct that on a date fixed by such order the management shall be relinquished. Power to relinquish management.

On the date so fixed—

(*a*) the management shall terminate ;

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[1] The word "Crown" was substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "to the Crown" were substituted for the words "to Government", *ibid.*

[3] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid.*

(*b*) the owner of the property under management shall be restored to the possession thereof, subject to any leases made under section 10;

(*c*) any residue of the rents and profits of the said property retained under the last clause of section 11 shall be paid to him; and

(*d*) the proceedings, processes, executions and attachments stayed and suspended under section 9, and the debts and liabilities barred by section 14, shall revive.

In calculating the periods of limitation applicable to suits to recover and enforce debts and liabilities revived under this section, the time during which the management has continued shall be excluded.

CHAPTER V.

OF THE PROCEEDINGS SUBSEQUENT TO SANCTION OF THE LIQUIDATION SCHEME.

Effects of sanctioning scheme.

20. When the Commissioner sanctions the liquidation-scheme, he shall notify the fact of such sanction at such places and in such manner as the [1][Provincial Government] may from time to time by rule direct; and thereupon—

1st, all proceedings, processes, executions and attachments stayed or suspended under section 9 shall be for ever barred; and

2nd, every debt or liability due or owing to any person which was provable before the manager shall be extinguished, and such person shall be entitled to receive under the liquidation-scheme the amount (if any) finally awarded to him under Chapter IV of this Act in respect of such debt or liability.

Power to remove mortgagee in possession.

21. If the property under management or any part thereof be in the possession of a mortgagee or conditional vendee, the manager, at any time after the liquidation-scheme has been sanctioned as aforesaid, may, by an order in writing, require such incumbrancer to deliver up possession of the same to him at the end of the then current revenue-year.

If such incumbrancer refuse or neglect to obey such order, the manager may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

Nothing in this section shall be held to affect the right of any incumbrancer to receive, under the liquidation-scheme, the amount (if any) awarded to him under Chapter IV of this Act.

Power to inquire into consideration given for leases.

22. If the property under management or any part thereof be in the possession of any person claiming to hold under a lease dated within the three years immediately preceding the commencement of the management, the manager may inquire into the sufficiency of the consideration for which the lease was given; and, if such consideration appear to him insufficient, may by order, with the consent of the Commissioner, at any time after the liquidation-scheme has been sanctioned as aforesaid, either set aside the lease or require the person so in possession to pay such consideration for the said lease as the manager thinks fit; and, in default of such payment, the lease shall be cancelled.

[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

23. Subject to the rules made under section 31, the manager, after the liquidation-scheme has been sanctioned as aforesaid, shall have power to demise all or any part of the property under management for any term of years not exceeding twenty years absolute, to take effect in possession, in consideration of the payment to him of any fine, or without fine, and reserving such rents, and under such conditions, as may be agreed upon. Power to lease.

24. At any time after the liquidation-scheme has been sanctioned as aforesaid the manager, with the previous assent of the Commissioner, shall have power to raise any money which may be required for carrying out such scheme— Power to raise money by mortgage or sale.

(*a*) by mortgaging the whole or any part of the property under management for a term not exceeding twenty years from the publication of the order of management; or

(*b*) by charging the whole or any part of such property; or

(*c*) by selling, by public auction or by private contract, and upon such terms as the manager thinks fit, such portion of the said property as may appear expedient; or

(*d*) by borrowing money from Government at such rate of interest as appears reasonable to the [1][Provincial Government.]

25. The manager's receipt for any moneys, rents or profits raised or received by him under this Act shall discharge the person paying the same therefrom and from being concerned to see to the application thereof. Manager's receipt a discharge.

26. When the debts and liabilities mentioned in the liquidation-scheme and the amount of any loan received from Government under clause (*d*) of section 24, together with interest (if any) due thereon, have been paid and discharged as therein provided, or in such other manner as the Commissioner thinks fit, the manager shall publish in the [2][Official Gazette] a notice fixing a date for the termination of the management. Termination of management.

On the date so fixed the management shall terminate, and the owner shall be restored to the possession and enjoyment of the property under management, or of such part thereof as has not been sold by the manager under the power conferred by section 24, but subject to the leases and mortgages (if any) granted and made by the manager under the powers conferred by sections 10, 23 and 24. Restoration of owner.

27. If the debtor dies after the publication of the order of management and before the management has been terminated in either of the modes hereinbefore provided,— Death of debtor during management.

1st, the management shall continue and proceed in all respects as if such debtor were still living;

2ndly, any person succeeding to the whole or any portion of the property under management shall, while such management continues, be subject in respect of such property to the disabilities imposed by clauses (*b*) and (*c*) of section 9; and

3rdly no Civil Court in [3][a Province of India] shall, during the continuance of the management, issue any attachment or other process against any portion of the property under management, for or in respect of any debt or liability incurred by any such person whether before or after his said succession.

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[1] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] These words were substituted for the original words by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

Mortgages, etc., made by restored thakur valid only for his life.

28. When a thakur has been restored under section 26 to the possession of any property, no mortgage, charge, lease or alienation of such property, or of any part thereof, made by such thakur, shall be valid as to any time beyond his natural life [1][unless made or granted with the previous sanction of the Commissioner].

CHAPTER VI.

Of Appeal and Revision.

Appeal.

29. An appeal against any decision or order under sections 14, 15, 16 and 22, or imposing a fine or imprisonment in exercise of the powers conferred by section 35, shall lie to the Commissioner, if preferred within six weeks from the date of such decision or order.

There shall be no appeal against the decision of the Commissioner on such appeal.

Power to call for proceedings and pass order thereon.

30. The Commissioner may, of his own motion or on the application of any person concerned, call for the proceedings in any case under this Act, and pass such order thereon consistent with the provisions of this Act as he thinks fit.

CHAPTER VII.

Miscellaneous.

Power to make rules.

31. The [2][Provincial Government] may, from time to time, make rules consistent with this Act—

(*a*) to regulate the security to be required from subordinate officers under this Act;

(*b*) to regulate the procedure in all cases under this Act;

(*c*) for the guidance of officers inquiring into and determining on claims under Chapter IV of this Act; and in particular as to the allowance of interest (if any) on each of the principal debts and liabilities so determined, from the date on which it was incurred down to the date of the determination, and on the aggregate amount of such debts and liabilities from the date of the determination down to the date of payment, and as to the order of paying debts and liabilities and repaying any loan received hereunder from Government;

(*d*) for investing any moneys received of raised by the manager under this Act in any [3][securities of the Central Government or of a Provincial Government] and for the sale of such securities; and

(*e*) generally to carry out the provisions of this Act.

Such rules shall be published in the [4][Official Gazette], and when so published shall have the force of law.

Power to appoint new manager.

32. The [2][Provincial Government] may suspend or remove any manager, and may appoint any officer in the stead of any manager appointed under this Act;

[1] These words were added by s. 2 and First Schedule of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for the original words by the Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

[4] The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

and thereupon the management then vested under this Act in the former manager shall become vested in the new manager.

Every such new manager shall have the same powers as if he had been originally appointed.

XLV of 1860.

33. Every manager appointed under this Act and every agent of such manager shall be deemed a public servant within the meaning of the Indian Penal Code.

Managers and their agents to be public servants.

XLV of 1860.

34. Every investigation conducted by the manager with reference to any claim preferred before him under this Act, or to any matter connected with any such claim, shall be taken to be a judicial proceeding within the meaning of the Indian Penal Code.

Investigation a judicial proceeding.

35. For the purposes of this Act, the manager and any officer making an inquiry under section 5 may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.

Power to summon witnesses and compel production of documents.

36. No suit or other proceeding shall be maintained against any person in respect of anything done by him *bona fide* pursuant to this Act.

Bar of suits.

37. Nothing in this Act precludes the Courts in Broach and Kaira having jurisdiction in suits relating to the succession to any immovable property brought under the operation of this Act from entertaining and disposing of such suits; but to all such suits the manager of such property shall be made a party.

Saving of jurisdiction of Courts in Broach and Kaira in respect of certain suits.

38. Nothing in section 9 shall be deemed to render any of the following thakurs, namely, the thakur of Ahmod, the thakur of Sarod, the thakur of Kerwara, the thakur of Dehej, and the thakur of Janiadra, incompetent to enter into contracts involving him in pecuniary liability, nor shall anything in section 28 apply to any of the said thakurs:

Exemption of certain thakurs from certain provisions of Act.

Provided that, if any such thakur has, since the scheme for the settlement of his debts and liabilities was approved under section 11 of the said [1]Act No. XV of 1871, entered into any contract involving him in pecuniary liability exceeding the average annual income derived during the previous five years from immovable property after deducting therefrom the land tax and other dues [2][of the Crown], the [3][Provincial Government] may, by notification in the [4][Official Gazette], declare that the exemption made by the former part of this section shall cease in his case, and thereupon such exemption shall cease accordingly.

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[1] Act 15 of 1871 was repealed by the Broach and Kaira Incumbered Estates Act, 1877 (14 of 1877).

[2] The words "of the Crown" were substituted for the words "of Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "Provincial Government" were substituted for the words "Local Government", *ibid.*

[4] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

THE PANCH MAHALS LAWS ACT, 1885.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Laws of Kaira to apply.
   Other laws repealed.
3. Pending proceedings.
4. Territory to cease to be scheduled district.

THE SCHEDULE.

ACT No. VII OF 1885.[1]

[THE PANCH MAHALS LAWS ACT, 1885.]

[*20th February 1885.*]

Repealed in part, by Act 12 of 1891.
Amended by Bom. I of 1910.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to amend the law in force in the Panch Mahals.

WHEREAS it is expedient that the law in force in the territory comprised in the Panch Mahals should on and from the first day of May, 1885, be the same as the law in force in the district of Kaira, in the Bombay Presidency, and that the said territory should, on and from that day, cease to be a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874; It is hereby enacted as follows:—

XIV of 1874. XV of 1874.

1. This Act may be called the Panch Mahals Laws Act, 1885. Short title.

2. (*1*) Save and except the enactments specified in the Schedule hereto annexed, all enactments which on the first day of May, 1885, are in force in the district of Kaira, and not in the Panch Mahals, shall be deemed to come into force in the Panch Mahals on that day. Laws of Kaira to apply.

(*2*) All enactments which on that day are in force in the Panch Mahals and not in the district of Kaira shall be deemed to be repealed on and from that day in the Panch Mahals. Other laws repealed.

3. All proceedings commenced before any authority in the Panch Mahals before the first day of May, 1885, and still pending on that day, shall be disposed of by such authority as the [2][Provincial Government] may direct, and, save as aforesaid, shall be carried on as if this Act had not been passed. Pending proceedings.

4. On and from the first day of May, 1885, the Panch Mahals shall cease to be a scheduled district [3]* * * * * *. Territory to cease to be scheduled district.

THE SCHEDULE.

ENACTMENTS EXCEPTED FROM THE OPERATION OF SECTION 2.

Acts of the Governor General in Council.

Number and year.	Title.	Extent of exception.
[4] VIII of 1870	For the prevention of the murder of female infants.	The whole.
[5] XXI of 1881	To amend the law providing for the relief of Thakurs in the districts of Broach and Kaira.	The whole.

[1] For Statement of Objects and Reasons, *see Gazette of India*, 1884, Pt. V, p. 594; and for Proceedings in Council, *see ibid*, Supplement, pp. 1540 and 1651; and *ibid*, 1885, Supplement, p. 335.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[3] The words and figures "and in Part II of the First Schedule to the Scheduled Districts Act, 1874, and in the same part of the Sixth Schedule to the Laws Local Extent Act, 1874, the words 'The Panch Mahals' shall be repealed" were repealed by the Repealing and Amending Act, 1891 (12 of 1891).

[4] Central Acts, but *see* section 2 of Bom. III of 1897, which declares that Act 8 of 1870 shall be deemed to extend, and from the 21st December 1870 to have extended, to the Province of Bombay.

[5] *Supra*.

Acts of the Governor of Bombay in Council.

Number and year.	Title.	Extent of exception.
V of 1862	.. For the preservation of the Bhagdari and Narwadari Tenures.	The whole.
V of 1879	.. To consolidate and amend the law relating to Revenue-officers and the land-revenue in the Presidency of Bombay.	Section 85 [1][and sub-section (3) of section 58.]

[1] These words, figures and brackets were substituted for the words and figures "and last fifteen words of section 58" by section 2 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

THE CITY OF BOMBAY MUNICIPAL (SUPPLEMENTARY) ACT, 1888.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Confirmation of the City of Bombay Municipal Act, 1888, so far as regards Benches, Magistrates and Courts of Small Causes.
2. [*Repealed.*]
3. Appeal to the Bombay High Court from certain orders of the Chief Judge of the Bombay Small Cause Court.
4. Appeal to the Bombay High Court from orders of Presidency Magistrates in Bombay.
5. Period of limitation for appeals to the Bombay High Court under the two last foregoing sections.

ACT No. XII OF 1888.[1]

[THE CITY OF BOMBAY MUNICIPAL (SUPPLEMENTARY) ACT, 1888.]

[12th October 1888.]

Repealed in part by Bom. 76 of 1948.

An Act to supplement certain provisions of the City of Bombay Municipal Act, 1888. [2] * * * *.

WHEREAS it is expedient to supplement by legislation in the Council of the Governor General for making Laws and Regulations certain provisions of the City of Bombay Municipal Act, 1888 [2]* * * *; It is hereby enacted as follows :—

Bom. III of 1888.

1. The City of Bombay Municipal Act, 1888 [2]* * * * shall, so far as regards— *Confirmation of the City of Bombay Municipal Act, 1888, so far as regards Benches, Magistrates and Courts of Small Causes.*

(*a*) the jurisdiction thereby conferred upon Appellate Benches of Municipal Authorities and upon Presidency and other Magistrates and Courts of Small Causes or any Judge of such a Court, and

(*b*) the decisions, orders and other proceedings of those Benches, Magistrates and Courts or of any such Judge,

be as valid as if they had been passed by the [3][Central Government] at a meeting for the purpose of making Laws and Regulations.

2. [*Reference of questions by the Chief Judge of the Bombay Small Cause Court to the Bombay High Court.*] *Rep. Bom. LXXVI of 1948.*

Bom. III of 1888.

3. (*1*) An appeal shall lie to the High Court of Judicature at Bombay from a decision passed by the Chief Judge of the Court of Small Causes of Bombay under section 503 or section 504 of the City of Bombay Municipal Act, 1888, when the amount of the claim in respect of which the decision is passed exceeds two thousand rupees. *Appeal to the Bombay High Court from certain orders of the Chief Judge of the Bombay Small Cause Court.*

(*2*) The provisions of the [4]Code of Civil Procedure with respect to appeals from original decrees shall, so far as they can be made applicable, apply to appeals under sub-section (*1*), and orders passed therein by the High Court may, on application to the Chief Judge of the Court of Small Causes, be executed by him as if they were decrees made by himself.

Bom. III of 1888.

(*3*) A decision passed by the Chief Judge of the Court of Small Causes of Bombay under section 503 or section 504 of the City of Bombay Municipal Act, 1888, shall, if an appeal does not lie therefrom under sub-section (*1*), be final.

Bom. III of 1888.

4. (*1*) An appeal shall lie to the High Court of Judicature at Bombay from an order passed by a Presidency Magistrate under section 515 of the City of Bombay Municipal Act, 1888. *Appeal to the Bombay High Court from orders of Presidency Magistrates in Bombay.*

(*2*) The High Court may, from time to time, make rules for regulating the admission of appeals under sub-section (*1*) and the procedure to be followed in the adjudication thereof.

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[1] For Statement of Objects and Reasons, *see Gazette of India*, 1888, Pt. V., p. 70 ; and for Proceedings in Council, *see ibid*, Pt. VI, pp. 99 and 107. The short title was given by Bom. 2 of 1921.

[2] The words relating to the Calcutta Municipal Consolidation Act, in the title and preamble, and in section 1, were repealed by the Calcutta Municipal Act, 1899 (Ben. Act 3 of 1899), Bengal Code.

[3] The words "Central Government" were substituted for the words "Governor General of India in Council" by the Adaptation of Indian Laws Order in Council.

[4] *See* now Act 5 of 1908.

(*3*) When an appeal has been preferred to the High Court under this section, the Municipal Commissioner for the City of Bombay shall defer action upon the order of the Presidency Magistrate until the appeal has been disposed of.

(*4*) But, when the appeal has been disposed of, he shall forthwith give effect to the order passed therein by the High Court, or if the order of the Presidency Magistrate has not been disturbed by the High Court, then to his order.

(*5*) When disposing of an appeal under this section, the High Court may direct by whom the costs of the appeal are to be paid, and whether in the whole or in what part or proportion.

(*6*) Costs so directed to be paid may, on application to a Presidency Magistrate, be recovered by him, in accordance with the direction of the High Court, as if they were a fine imposed by himself.

Period of limitation for appeals to the Bombay High Court under the two last foregoing sections.

5. An appeal to the High Court of Judicature at Bombay under either of the two last foregoing sections shall, for the purposes of No. 156 of the Second Schedule to the [1]Indian Limitation Act, 1877 be deemed to be an appeal under the Code of Civil Procedure in a case not provided for by No. 151 and No. 153 of that Schedule. XV of 1877.

[1] *See* now entry No. 156 of Schedule I to the Indian Limitation Act, 1908 (9 of 1908).

ACT No. VIII OF 1891.[1]

[*6th March 1891.*]

An Act to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force.

V of 1882. WHEREAS it is expedient to extend the Indian Easements Act, 1882, to certain areas in which that Act is not in force; It is hereby enacted as follows :—

V of 1882. **1.** The Indian Easements Act, 1882, is hereby extended to the territories respectively administered by the Governor of Bombay in Council and the Lieutenant Governor of the North-Western Provinces and Chief Commissioner of Oudh.

Extension of Act V, 1882, to Bombay and the North-Western Provinces and Oudh.

[1] For Statement of Objects and Reasons, *see Gazette of India*, 1891, Pt. V, p. 1; for Report of the Select Committee, *see ibid*, Pt. V, p. 18; and for Proceedings in Council, *see ibid*, Pt. VI, pp. 2 and 35.

ACT No. XV OF 1894.[1]

[THE ENGINEERS' CERTIFICATES VALIDATION ACT, 1894.]

[*18th October 1894.*]

Repealed in part by Act 10 of 1914.

An Act to validate certain certificates granted to engineers of steamships.

WHEREAS the Steam-vessel Survey Amendment Act of 1873 was repealed by the [2][Inland Steam-vessels Act, 1884, which came into force in the territories administered by the Governor of Bombay in Council on the first day of December 1885;

VI of 1884.

And whereas between the said day and the seventh day of February 1893, certain certificates styled "Indian Foreign Trade Certificates of Competency" were inadvertently granted in Bombay in pursuance of rules made under the said Steam-vessel Survey Amendment Act of 1873, and without regard to the provisions of the [3]Indian Steamships Act, 1884;

VII of 1884.

And whereas it is expedient to validate the said certificates;

It is hereby enacted as follows:—

1. (*1*) This Act may be called the Engineers' Certificates Validation Act, 1894; [4]* Short title.

[4](*2*) * * * * *

2. The certificates described as "Indian Foreign Trade Certificates of Competency" which were granted under the authority of the Governor of Bombay in Council between the first day of December, 1885, and the seventh day of February, 1893 (both inclusive), to certify to the competency of the grantees thereof to act as engineers of steam-ships shall be deemed to have been granted under the [3]Indian Steamships Act, 1884, and shall be recognised as valid for voyages of those classes with reference whereto they were granted: Provided that nothing herein contained shall be deemed to affect such certificates in any other respect. Validation of "Indian Foreign Trade Certificates of Competency" granted in Bombay to engineers of steam-ships.

VII of 1884.

[1] For Statement of Objects and Reasons, *see Gazette of India*, 1894, Pt. V, p. 135; and for Proceedings in Council, *see ibid*, Pt. VI, pp. 228 and 242.

[2] *See* now Act 1 of 1917, Central Acts.

[3] Central Acts.

[4] The word "and" and sub-cl. (2) were repealed by the Repealing and Amending Act, 1914 (10 of 1914).

PART III

Acts Passed by the Governor of Bombay in Council

THE MARKETS AND FAIRS ACT, 1862.

CONTENTS.

PREAMBLE.

Sections.

1. No new market or fair to be established without permission.
   Penalty for attempt to establish without license.
2. Person desiring to establish to apply to Magistrate.
   Contents of application.
3. Procedure on application.
   Publication of proclamation.
   Notice to land-owner of neighbouring market.
4. Order permitting establishment.
   Inquiry into objection.
5. [*Repealed*].
6. Appeal.
7. Penalty for contravening, disobeying, or opposing order.
8. Extent.
9. Exemption of religious assemblages.
10. Saving of general powers of Provincial Government.
11. [*Repealed.*]

BOMBAY ACT No. IV OF 1862.[1]

[THE MARKETS AND FAIRS ACT, 1862.][1]

[*24th April, 1862.*]

Repealed in part, by Act 12 of 1873.
Repealed in part, by Act 12 of 1876.
Repealed in part and amended by Bom. 3 of 1886.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 17 of 1945.*

An Act for regulating the establishment of markets and fairs.

WHEREAS the establishment of new markets or fairs in the neighbourhood of places where markets or fairs have been previously established leads to disputes between the owners of the lands on which such new and previously established markets or fairs are held, and such disputes not unfrequently occasion breaches of peace and serious inconvenience to the frequenters of such markets or fairs; It is enacted as follows :— **Preamble.**

1. [2]* * * * * No person shall establish a new market or fair without permission, in writing, from the Magistrate of the district. **No new market or fair to be established without permission.**

If any person shall attempt to establish a new market or fair without such license, he shall, on conviction by [3][a Magistrate of the first class], be subject to a fine not exceeding two hundred rupees, or, in default of payment, to simple imprisonment for any period not exceeding two [4]* months. **Penalty for attempt to establish without license.**

2. When any person desires to establish a new market or fair, he shall make application, in writing, to the Magistrate of the district. **Person desiring to establish to apply to Magistrate.**

The application shall specify— **Contents of application.**
- the name of the place at which it is proposed to establish such new market or fair;
- the days on which it is to be held;
- the name of the place where the nearest existing market or fair is held, and the days on which it is held;
- the distance, in English miles, between the two places; and
- the reasons of the applicant for desiring to establish a new market or fair.

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[1] No Statement of Objects and Reasons was published. For the Bill, as introduced, *see Bombay Government Gazette*, 1862, Supplement, p. 49; for Report of the Select Committee, *see ibid*, p. 77, and for Proceedings in Council, *see ibid*, pp. 49, 76 and 95.
The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).
[2] The words "After the passing of this Act" were repealed by the Repealing Act, 1873 (12 of 1873).
[3] These words were substituted for the words "the Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).
[4] The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).
* This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

Procedure on application.

3. On receipt of the application, the Magistrate shall issue a proclamation stating the desire of the applicant to establish a market or fair at the place named by him and the days on which it is proposed to be held and calling upon any person who may have any objection to the establishment of the market or fair to state his objection, in writing, within six weeks from the date of the proclamation.

Publication of proclamation.

The proclamation shall be fixed in a conspicuous place in the village or town in or near to which it is proposed that the new market or fair shall be held, and a copy of the same shall be affixed at the police-station within the jurisdiction of which the village or town is situated, and in the Court of the Magistrate.

Notice to land-owner of neighbouring market.

If it shall appear that any existing market or fair is held within a distance of four miles from the place where it is proposed that the new market or fair shall be established, the Magistrate shall cause a notice, to the effect of the proclamation, to be served upon the owner of the land where such existing market or fair is held.

The proclamation and notice (if any) shall be issued and served at the expense of the applicant.

Order permitting establishment.

4. If, within the time specified in the proclamation and notice (if any), no objection is preferred to the establishment of the proposed market or fair, the Magistrate of the district shall pass an order permitting it to be established.

Inquiry into objection.

If within the time specified any objection is preferred, the Magistrate of the district shall inquire into the objection, and pass such order as may appear proper under the circumstances of the case.

5. [*Markets and fairs established prior to passing of Act.*] *Rep. Act XII of 1876.*

Appeal.

6. Every order passed by a [1][District Magistrate] under [2][section 4] shall, within six weeks, be open to appeal to the Commissioner [3]* * and the order of the Commissioner shall be final.

Penalty for contravening, disobeying, or opposing order.

7. Every person who shall contravene, disobey, or oppose any order duly made under this Act, shall be liable to a fine not exceeding two hundred rupees, or, in default of payment, to imprisonment [4]* * * * for any period not exceeding two * *months.

Extent.

8. This Act shall not extend to [5]the Greater Bombay.]

Exemption of religious assemblages.

9. Nothing in this Act shall be held to apply to assemblages of people collected at, or concerned in, the inauguration of sacred edifices, or collected at or concerned in, any other religious festivals or ceremonies not forming a part of a fair or market.

Saving of general powers of Provincial Government.

10. Nothing in this Act shall be held to restrict the general powers of [6][the Provincial Government] to control the order of the [1][District Magistrate] or Commissioner [3]* * in regard to market or fairs.

11. [*Meaning of "Magistrate".*] *Rep. Bom. III of 1886.*

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[1] These words were substituted for the word "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The word and figure "Section 4" were substituted for the words "this Act", *ibid.*

[3] The words "of Police" were repealed, *ibid.*

[4] The words "of either kind" and the word "calendar" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

[5] These words were substituted for the words "the Islands of Bombay and Colaba" by Bom. 17 of 1945, s 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

THE AHMEDABAD TALUQDARS ACT, 1862.

CONTENTS.

PREAMBLE.

Sections.

1. Power to make declaration vesting management of estates of taluqdar in officer appointed by Provincial Government.
2. After declaration, suits in respect of debts or liabilities in first section mentioned, other than debts to Government, to be permanently stayed.
3. Power to remove mortgagee or encumbrancer from possession of estates of taluqdar.
4. After declaration, taluqdar not liable to arrest in respect of debts other than debts due to Government.
5. During management, estates exempt from civil process in respect of debts and liabilities aforesaid.
6. Power to make and alter rules.
7. Managing officer to receive rents, profits and income ; and pay for support of taluqdar and family, expenses of management and settlement of debts and liabilities in accordance with rules.
8. Managing officer to publish notice to claimants against taluqdar to notify claims.
   Publication of copies of notice.
9. Debt or liability not notified to be barred.
   Upon proof of inability of claimant to comply, claim may be admitted within further period of nine months.
10. Scheme for settlement of taluqdar's debts and liabilities.
    Amount of debt fixed in scheme not to be increased. Bar of debts disallowed.
11. Power to authorize raising of fund for settlement of debts and liabilities.
12. Debt or liability incurred by taluqdar during management not enforceable against estates.
    Incompetency of taluqdar to charge or alienate.
13. Civil Courts to give up writs, decrees, papers, etc., when required.
14. Power to officer to take evidence, and compel production of books, etc.
15. Powers of managing officer for realizing rents and profits.
16. Management limited to twenty years and, at is expiration, claims, etc., to be considered settled.
17. Power to appoint new officers.
18. Powers for enforcing payment of fines.
19. Suits cognizable by Civil Courts.
    Indemnity to Crown, Government or managing officer.
20. Proprietorship of taluqdar after termination of management.
21. Interpretation-clause.

BOMBAY ACT No. VI OF 1862.[1]

[THE AHMEDABAD TALUQDARS ACT, 1862.][1]

[*14th October, 1862.*]

Repealed in part, by Act 12 of 1876 and by Bom. 3 of 1886.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act for the amelioration of the condition of taluqdars in the Ahmedabad Collectorate, and for their relief from debt.

Preamble.

WHEREAS the lands held in the zila of Ahmedabad in the Province of Gujarat under the title of taluqdari estates are now only held on lease hold tenure determinable at the pleasure of Government; and whereas it has been brought to the notice of Government that many of the taluqdars are in embarrassed circumstances and have borrowed money on the security of their landed estates; and whereas such of the said landed estates as are of the taluqdari tenure aforesaid could not and cannot be lawfully charged, encumbered or alienated; and whereas it is expedient to enable the said taluqdars to effect a settlement of their debts and liabilities; It is hereby enacted as follows :—

Power to make declaration vesting management of estates of taluqdar in officer appointed by Provincial Government.

1. Whenever it shall appear to the [2][Provincial Government] that any taluqdar in the zila aforesaid is subject either personally or in respect of his landed estates of any description of tenure to debts or liabilities equal to or exceeding five times the average rents, profits and other annual income derived by the taluqdar from his estates aforesaid during the previous five years after deducting thereout the land-tax and other dues of Government, it shall be lawful for the [2][Provincial Government] to make a [3]declaration vesting the management of the said estates in an officer[4] or officers who shall then be appointed by the [2][Provincial Government] in that behalf, and the said declaration shall be published in the [5][Official Gazette].

After declaration, suits in respect of debts or liabilities in first section mentioned, other than debts to Government, to be permanently stayed.

2. From and after the publication of said declaration as aforesaid, all suits or judicial proceedings for or in respect of debts or liabilities in the first section above-mentioned, other than debts due or liabilities incurred to the Crown or Government, pending before or under appeal from any of the Civil Courts in the said Presidency, shall be, and are hereby declared to be permanently stayed, and no further prosecution thereof shall be permitted and all writs, processes, executions or attachments for or in respect of such debts and liabilities shall forthwith cease and be raised.

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[1] No Statement of Objects and Reasons was published. For the Bill as introduced, *see Bombay Government Gazette*, 1862, Supplement, p. 82; for Report of the Select Committee, *see ibid*, p. 107, and for Proceedings in Council, *see ibid*, pp. 82, 107 and 115.

As to the validity of Bom. 6 of 1862, so far as it purports to affect the High Court of Judicature at Bombay, *see* the Broach and Kaira Incumbered Estates Act, 1877 (14 of 1877), s. 39.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] The words "Provincial Government" were substituted for the words "Governor in Council by the Adaptation of Indian Laws Order in Council.

[3] It is enacted in the Gujarat Taluqdars Act, 1888 (Bom. 6 of 1888), s. 34, that no new declaration shall be made under s. 1 of Bom. 6 of 1862 at any time after six months from the date on which the former Act came into force (*i.e.*, the 25th March, 1889.)

[4] As to the investment of the Taluqdari Settlement-officer mentioned in the Broach and Kaira Incumbered Estates Act, 1881 (21 of 1881), s. 7, with powers under this section, *see* Act 14 of 1877, s. 40, as amended by that Act.

[5] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

Power to remove mortgagee or encumbrancer from possession of estates of taluqdar.

3. From and after the publication of such declaration, the said officer or officers shall have power, without resorting to any Civil Court, to remove from possession of the landed estates of the taluqdar of any description of tenure, or any part thereof, any mortgagee or other encumbrancer who may be in possession of the same, without prejudice to such mortgagee or encumbrancer bringing his claim under sections 8 and 9 before the officer or officers appointed for the management of the said estates.

After declaration, taluqdar not liable to arrest in respect of debts other than debts due to Government.

4. From and after the publication of such declaration as aforesaid, the taluqdar, the subject of such declaration, shall not be liable to arrest, nor shall his personal estates of any description whatsoever be liable to seizure, attachment or sale under any process, decree, judgment or execution of the Civil Court of the Presidency of Bombay for or in respect of any debts or liabilities existing at the time of such declaration, other than debts due or liabilities incurred to the Crown or Government.

During management, estates exempt from civil process in respect of debts and liabilities aforesaid.

5. From and after the publication of such declaration as aforesaid, the landed estates of such taluqdar of any description of tenure and the rents, profits and income thereof shall, during the period of the management thereof by the said officer or officers, be wholly exempt from seizure, attachment or sale under or by virtue of any process, decree, judgment or execution of any Civil Court of the Presidency of Bombay for or in respect of the debts and liabilities aforesaid, other than debts due or liabilities incurred to the Crown or Government.

Power to make and alter rules.

6. It shall be lawful for the [1][Provincial Government] to make rules for the purpose of carrying this Act into effect, and from time to time to alter, vary or amend such rules as necessity may arise.

Managing officer to receive rents, profits and income;

and pay for support of taluqdar and family, expenses of management and settlement of debts and liabilities in accordance with rules.

7. The said officer or officers shall, during the continuance of his or their management of the said estates, receive the whole of the rents, profits and income thereof, and shall defray thereout land-tax and other debts due or liabilities incurred, or hereafter respectively to grow due or to be incurred, to the Crown or Government, and pay to the taluqdar such annual sum only as shall appear to the [1][Provincial Government] requisite for the decent support of the taluqdar and his family, and any balance remaining after such payment as aforesaid shall be applied in discharge of the expenses of such management as aforesaid and in liquidation or settlement of the debts and liabilities to which at the time of the publication of the said declaration the taluqdar is subject either personally or in respect of his landed estates of any description of tenure, in accordance with the rules alluded to in the last preceding section.

Managing officer to publish notice to claimants against taluqdar to notify claims.

Publication of copies of notice.

8. The said officer or officers shall publish in the [2][Official Gazette] a notice in English and Gujarathi, calling upon all persons having claims against the said taluqdars or their said landed estates in respect of any of the debts or liabilities aforesaid, to notify the same in writing to such officer or officers within three [3]* months' time from the time of such notice in the Gazette, and the said officer or officers shall, before or contemporaneously with such publications in the Gazette, cause copies of such notice to be exhibited at the mamlatdars' kachahris in the said zila and in such place or places as to such officer or officers shall seem fit and as may be directed by the said rules.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid.*

* [3] The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

9. Any debt or liability of the taluqdar other than as aforesaid, to which he is subject, either personally or in respect of the said landed estates, existing at the time of the said declaration by the [1][Provincial Government] not duly notified to the said officer or officers within the time and in the manner in the last preceding sections specified, shall and is hereby declared to be forever barred :

Debt or liability not notified to be barred.

Provided always that, upon proof being given to the satisfaction of such officer or officers of the inability of the claimant to have complied with the provisions of this and the last preceding sections, it shall be lawful for the said officer or officers to entertain and admit such claim within the further period of nine [2]* months from the expiration of the above-mentioned period of three months.

Upon proof of inability of claimant to comply, claim may be admitted within further period of nine months.

10. The said officer or officers shall as early as possible prepare and submit to the [1][Provincial Government] a scheme for the settlement of the taluqdar's debts and liabilities, and such scheme, when approved by the [1][Provincial Government], shall be carried into effect.

Scheme for settlement of taluqdar's debts and liabilities.

The amount of any debt or liability as fixed in such approved scheme shall not be liable to increase.

Amount of debt fixed in scheme not to be increased.

Any debt or liability disallowed by such officer or officers shall, if such disallowance be approved by Government, be and it is hereby declared to be forever barred.

Bar of debts disallowed.

11. It shall be lawful for the [1][Provincial Government] to empower the officer or officers aforesaid to raise a fund to be applied to the settlement of the debts and liabilities of the taluqdar by assigning the whole or a portion of his landed estates of any description of tenure to be held and enjoyed, for a period or periods not exceeding twenty years from the publication of the declaration aforesaid, by any fit person or persons who may advance money on the security thereof, or by the sale of such outlying portion or portions of the said estates as may appear expedient ; but in case of such sale the consent of the taluqdar and of his next heir, if the latter be of age, shall first be obtained.

Power to authorise raising of fund for settlement of debts and liabilities.

12. Any debt or liability, except as hereinbefore excepted, which may be incurred by the taluqdar, either personally or in respect to his said landed estates or any part thereof, during the period of such management as aforesaid, shall not be enforceable in any manner whatever, either during or subsequently to such period of management, against his said landed estates or any part thereof, and it shall not be competent for the taluqdar during the said period of management to charge, encumber, sell or alienate his said landed estates or any part thereof, and such charge encumbrance, sale or alienation shall be null and void.

Debt or liability incurred by taluqdar during management not enforceable against estates.

Incompetency of taluqdar to charge or alienate.

13. It shall be lawful for every officer or officers appointed under this Act to demand and require the production of any writs, decrees, judgments, records, deeds, documents exhibits, pleadings, books, accounts, letters, petitions, papers or writings filed in any of the suits mentioned in the second section of this Act, or relating to the debts or liabilities of any taluqdar whose landed estates are brought under such management as aforesaid, in the custody or control of any Civil Court,

Civil Courts to give up writs, decrees, papers, etc., when required.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

or in the custody or control of any Judges, Judge, Assistant Judge, officer or person connected with such Court, and upon notice being given in writing by such officer or officers to such Civil Court or to any Judges, Judge, Assistant Judge, officer or person connected therewith, such writs, decrees, judgments, records, deeds, documents, exhibits, pleadings, books, accounts, letters, petitions, papers or writings in the said notice mentioned shall be immediately given up to the said officer or officers appointed under this Act, in the manner directed by the said notice, any act, usage or custom to the contrary in any wise notwithstanding.

Power to officer to take evidence, and compel production of books, etc.

14. It shall be lawful for any officer or officers appointed under this Act to summon witnesses and to take evidence, [1]* * * * * * *, and it shall also be lawful for the said officer or officers to compel the production of books, accounts, papers, deeds or other documents, and to inflict a fine not exceeding rupees one hundred for disobedience to any sanad or order made under this section.

Powers of managing officer for realizing rents and profits.

15. The officer or officers appointed for the management of the landed estates of any taluqdar under this Act shall have, for the purpose of the realization and recovery of the rents, profits and income of such landed estates, the same powers as a Collecter possesses under the Regulations or Acts now or hereafter in force for the realization and recovery of land-revenue due to Government.

Management limited to twenty years and, at its expiration, claims, etc., to be considered settled.

16. The management of the landed estates of any taluqdar by such officer or officers as aforesaid shall not extend beyond the period of twenty years, to be calculated from the first publication of such declaration as aforesaid in the [2][Official Gazette], and at the expiration of such management whether before or at the end of such period of twenty years, all debts and liabilities (except as hereinbefore excepted) existing at the time of such declaration, and comprised in such approved scheme as aforesaid, shall be deemed to be for all intents and purposes whatsoever fully discharged and satisfied, and neither the taluqdar nor his heirs nor representatives, nor his ,her nor their estates, whether moveable or immovable, or any part thereof shall be subject in any manner whatsoever to such debts or liabilities (except as hereinbefore excepted) or any part thereof.

Power to appoint new officers.

17. It shall be lawful for the [3][Provincial Government] from time to time to appoint new officers to carry this Act into effect, and all such officers shall have the same powers as the officer or officers first appointed.

Powers for enforcing payment of fines.

18. Officers appointed under this Act shall have the same powers for enforcing the payment of fines imposed under this Act as are given to Courts by [4]section 61, Act XXV of 1861.

Suits cognizable by Civil Courts.

19. Notwithstanding anything to the contrary in this Act, it shall be lawful for the Civil Courts to entertain and dispose of suits relating to the succession to, or rights of co-parcenary in, or rights of persons claiming maintenance out of, any landed estate or estates brought under the operation of this Act:

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[1] The words "upon oath or solemn affirmation and to administer oaths or solemn affirmations to persons whom he or they may admit to give evidence and any such witness wilfully giving false evidence shall be subject to be proceeded against in like manner and to suffer if convicted the same punishment as if he or she had committed wilful and corrupt perjury" were repealed by the Repealing Act, 1876 (12 of 1876).

[2] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" *ibid.*

[4] *See* now s. 386 of the Code of Criminal Procedure, 1898 (5 of 1898).

Provided always that neither the Crown nor Government, nor any officer or officers appointed under this Act, shall be liable to any suit for or in respect of any act or acts done in good faith by such officer or officers. Indemnity to Crown, Government or managing officer.

20. From and after the expiration of the period of management of the estate of any taluqdar, whether such period extend to, or be less than, twenty years, the taluqdar shall be the absolute proprietor of his said landed estates as regards succession to, and possession, management and transfer of, the same, subject to such land-tax as the [1][Provincial Government] may be pleased to reserve and all usual remedies for the recovery thereof. Proprietorship of taluqdar after termination of management.

21. [2]* * * * In this Act, [2]* * * * unless there be something in the subject or context repugnant to such construction, [2]* * * * *. Interpretation-clause.

(*1*) the term "Civil Court" shall mean and include every Court of Civil Judicature in the Presidency of Bombay whether established by Royal Charter or not.

(*2*) *and* (*3*) [*Rep. Bom. III of 1886.*]

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the following words and expressions" before the word "In", the words "shall have the meaning hereby assigned to them," after the word "Act", and the words "(that is to say)" after the word "construction" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

THE EXEMPTIONS FROM LAND-REVENUE (No. 1) ACT, 1863.

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BOMBAY ACT No. II OF 1863.[1]

[THE EXEMPTIONS FROM LAND-REVENUE (No. 1) ACT, 1863.][1]

[*9th April, 1863.*]

Repealed in part, by Act 10 of 1876.

" " " " " 12 of 1876.

" " " and amended by Act 16 of 1895.

" " " " " " Bom. 3 of 1886.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to facilitate the adjustment of unsettled claims to exemption from the payment of Government land-revenue, and to regulate the succession to, and transfer of, lands wholly or partially exempt from the payment of such revenue in those parts of the Bombay Presidency which are subject to the operation of Act XI of 1852 of the Legislative Council of India.

WHEREAS it has been deemed expedient to provide for the final adjustment, summarily, of unsettled claims to exemption from the payment of land-revenue, and to fix the conditions which shall secure, in certain cases, the recognition of titles to such exemption with respect to succession and transfer in those districts of the Bombay Presidency to which the operation of Act XI of 1852 of the Legislative Council of India extends; It is hereby enacted as follows:— Preamble.

1. *Clause 1st.*—When the holders of lands in any of the said districts (except as is excepted in clause second of this section) held either wholly or partially exempt from the payment of Government land-revenue, whose title to exemption has not yet been formally adjudicated, shall have consented to submit to the terms and conditions hereinafter described, in preference to being obliged to prove their title to the exemption enjoyed by them, it shall be lawful for the [1][Provincial Government] to finally authorize and guarantee the continuance, in perpetuity, of the said land to the said holders, their heirs and assigns, upon the said terms and subject to the said conditions. Power to authorize and guarantee continuance in perpetuity of land to revenue-free holders on terms and conditions agreed to.

Clause 2nd.—The excepted cases to which the authority of adjustment and guarantee, vested in the [2][Provincial Government] by this provision, shall not extend, are the cases of lands held as follows:— Exceptions.

1st, lands held under treaty:

2nd, lands granted or held as jagirs or saranjams, or on similar political tenure.

3rd, lands held for service.

4th, lands already formally adjudicated to be not continuable hereditary.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1862, Supplement, p. 360; for Report of the Select Committee, *see ibid*, p. 719, and for Proceedings in Council, *see ibid*, p. 444 *ibid*, 1863, pp. 66, 182 and 201.

As to the application of this Act, *see* the Bombay Land-revenue Code, 1879 (Bom. 5 of 1879) *s.* 127. The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Such lands (subject to enactments in section 3) to be heritable and transferable property of holders and continued in perpetuity, subject to payment to Provincial Government of nazrana and quit-rent.

2. When the [1][Provincial Government] shall have finally authorized and guaranteed the continuance, in perpetuity, to the holders, their heirs and assigns, of lands wholly or partially exempt from the ordinary payment of annual land-revenue, whose title to exemption has not already been formally adjudicated and who have dispensed with an inquiry into such title, the said lands shall (subject to the enactments contained in section 3 [2]* * *) be the heritable and transferable property of the said holders, their heirs and assigns, without restriction, as to adoption, collateral succession or transfer; and such lands shall thenceforth be continued, in perpetuity, subject to an annual [3][payment to the Provincial Government]. Such payment shall consist of—

1st, a fixed annual payment as nazrana, in commutation of all claims [4][of the Crown] in respect of succession and transfer, and shall be calculated at the rate of one anna for each rupee of assessment;

2nd, of a quit-rent equal to one-fourth of the assessment.

The said assessment shall be ascertainable under the following rules:—

Rules for ascertaining amount of assessment.

Rule 1.—The assessment of lands other than those specified in Rule 2 shall, with respect to lands which have already been assessed by the revenue-survey, now in progress, be the assessment already imposed upon those lands by that revenue-survey, and with respect to lands which have not yet been assessed by that revenue-survey shall be such assessment as shall be agreed on by the Collector or settling officer and the owner or holder of the lands which shall be final;

and, in failure of their agreement, it shall be the existing rental of the lands until the revenue-survey now in progress shall have placed a new assessment thereon, after which the assessment so placed by the said revenue-survey shall be understood to be the assessment.

And it shall be lawful for the duly authorized officers [4][of the Crown] employed in the said revenue-survey to enter upon all lands not heretofore assessed by such revenue-survey for the purpose of fixing and making an assessment thereof, provided no arrangement can be otherwise arrived at by the Collector and the owner or holder, as above provided, to ascertain the fair rental of the lands.

Rule 2.—The assessment of lands of such an exceptional character as not to be assessable under the revenue-survey rules shall be in the discretion of the revenue-officers [4][of the Crown], which discretion shall be guided, so far as may be, by the rate at which similar land in the same district [5][belonging to the Crown] is let, due regard being had by the said revenue-officers to all equitable considerations affecting such lands.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[3] The words "payment to the Provincial Government" were substituted for the words "payment to Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "of the Crown" were substituted for the words "of Government", *ibid.*

[5] The words "belonging to the Crown" were substituted for the words "belonging to Government", *ibid.*

Shares of the revenues of villages (such as amals) shall be assessed for the purposes of this Act at the value thereof, calculated at the average shown by such accounts of actual realizations by the holders as are forthcoming for the ten years immediately preceding the promulgation of these rules.

Rule 3.—Lands for which a judi, salami or other quit-rent or land-tax under whatever denomination, is already [1][paid to the Provincial Government], instead of being liable to only one-fourth of the assessment, shall in addition to the annual amount of such judi, salami, quit-rent or other tax aforesaid, be liable to a further annual quit-rent, equal to one-fourth of the sum by which the annual or average annual amount of such judi, salami or other quit-rent or tax aforesaid may fall short of the assessment.

Rule 4.—Quit-rent and annual nazrana imposed under this section (section 2) and the rules thereunto annexed shall be fixed in perpetuity, and shall not be liable to increase or decrease on any new assessment, save so far as is above in rule 1 of this section (section 2) provided to the contrary, in the case of lands which have not been already assessed by the revenue-survey now in progress.

Rule 5.—The whole of the exempt lands found in the possession of each holder shall be continued according to the provisions of this section (section 2) and the rules thereunto annexed, and subject to the enactments contained in section 3.

3. Any adjustment made by the [2][Provincial Government] with the holder of land held wholly or partially exempt from the payment of land-revenue, in accordance with section 2 [3]* * * and the rules annexed to the said section, shall, so far as the right of [4][the Provincial Government] to levy the nazrana and the annual quit-rent mentioned in the said section is concerned, not only be binding upon such holder, his heirs and assigns, but also in the rightful owner, his heirs and assigns, whosoever such rightful owner may be:

Adjustment, so far as right of Provincial Government to levy nazrana and quit-rent, binding on holder and rightful owner and assigns.

Provided always that the said rightful owner, his heirs and assigns, shall not, by this Act or anything therein contained, be deprived of any rights or remedies [5]* * * * * to which he or they would be entitled against the said holder, his heirs or assigns for the recovery of the said lands or any part thereof if this Act had not been passed;

Savings of rights and remedies of rightful owner, his heirs and assigns.

and in the event of rightful owner, his heirs or assigns recovering the said lands or any part thereof, from the said holder, his heirs or assigns, any declaration, guarantee or adjustment made by the [2][Provincial Government] under, or in accordance with, sections 1 and 2 [3]* * * and the rules annexed to the said section 2 with respect to the said lands while the same were in the possession of the said holder, shall accrue to the benefit of the said rightful owner, his heirs and assigns.

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[1] The words "paid to the Provincial Government" were substituted for the words "paid to Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[3] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "either at law or in equity" were repealed by the Repealing Act, 1876 (12 of 1876).

Such lands, so far as rights of Provincial Government are concerned, to be recognized as heritable and transferable property of actual and legal successors by inheritance and heirs by adoption.

4. Lands held partially or wholly exempt from the payment of land-revenue, and already formally adjudicated to be so continuable hereditarily in perpetuity, may, at the option of the holder, be henceforth recognized, so far as the rights of [1][the Provincial Government] are concerned, as the heritable and also the transferable property, not only of the actual descendants of the person to whose descendants inheritance may have been limited by the terms of the said adjudication, but also of all his legal successors by inheritance, including heirs by collateral successions and heirs by adoption, and their assigns;

and thereafter the right of [1][the Provincial Government] or its officers to question the title to possession, or to exemption from the payment of land-revenue, of any holder of the said land already so adjudicated to be heritable in perpetuity on the ground that he does not belong to the family to which title is restricted by the adjudication, is hereby abrogated;

Lands adjudicated to be heritable to be held subject to payment of additional nazrana.

and, in any case of recognition as in this section aforesaid, lands already adjudicated to be heritable, and to which such recognition applies, are henceforth to be held subject to the payment to [1][the Provincial Government] of an annual nazrana calculated at the rate of one anna for each rupee of the assessment of the land, ascertainable as provided in the rules of section 2 [2]* * *, which nazrana is to be in addition to the partial assessment (if any) ordered by the terms of the formal adjudication under which the land has already been declared to be continuable:

Proviso.

Provided, however, that the assent of the holder of all lands adjudicated as aforesaid to the acceptance of such recognition and the payment of such nazrana as in this section as aforesaid shall be assumed, unless such holders shall, within three (3) [3]* months from the date on which this Act comes into operation, decline to accept such recognition as aforesaid by a notice given in writing to the Collector of the district.

Provisions in respect of amount of nazrana when it exceeds ten rupees.

5. *Clause 1st.*—When the amount of the annual nazrana payable for any holding in accordance with section 2 or section 4 [2]* * * respectively exceeds the sum of ten rupees, it shall be at the option of the holder of the land on account of which the said nazrana is declared payable, if he be not merely a mortgagee, to elect within two [3]* months after service of a notice explaining the purport and effect of the rules contained in this section (section 5), which service shall be made in the same manner as is hereinafter provided for the service of the notice described in section 11 [2]* * * that in lieu of the land being made subject to the payment of such annual nazrana an occasional nazrana shall be payable at each change of possession thereof, or of any part thereof, by inheritance or transfer, the amount of which nazrana shall be—

Occasional nazrana.

(*a*) on every succession by inheritance, a nazrana equal to one year's assessment of the wholly or partially exempt lands which are the subject of such succession:

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[3] The word "calendar" was repealed, *ibid.*

(*b*) on every transfer of lands wholly or partially exempt from the payment of land-revenue, a nazrana equal to two years' assessment of the land transferred.

The assessment shall be, in each case, ascertainable under the rules annexed to section 2 [1]* * * :

Provided that, in the event of more than one succession or transfer occurring within twelve months, such occasional nazrana [2][on] succession or transfer shall not be leviable more than once : Proviso.

Provided also that it shall be at the option of the holder of the land to pay such occasional nazrana in one sum or by annual instalments not exceeding one-fourth of the whole nazrana per annum. Proviso.

Clause 2nd.—When, at the election of the holder, lands wholly or partially exempt from the payment of land-revenue shall have been made liable to occasional nazrana leviable under this section (section 5), instead of to an annual nazrana of one anna in each rupee of the assessment as provided by sections 2 and 4 [1]* * * the occasional nazrana shall be levied from each person obtaining possession of the land to which it is subject, whether by inheritance or transfer ; Occasional nazrana from whom to be levied.

and it shall be the duty of that person, within the period of one [3]* month after obtaining possession as aforesaid, to give notice in writing thereof to the Collector or other chief revenue-officer of the [4]* * * district in which the said lands are situate ; and, in default of such notice, the person so obtaining possession shall forfeit, in addition to the nazrana leviable on the occasion, a sum equal to the amount thereof. Person obtaining possession to give notice to Collector, etc.

Clause 3rd.—It shall also be the duty of the holder of any land made subject under this section to the payment of occasional nazrana instead of to an annual nazrana of one anna in each rupee of the assessment, who shall transfer the same or any part thereof, to give to the Collector or chief revenue-officer of the [4]* * * district in which the lands so transferred are situate, notice in writing of such transfer, and of the nature and extent thereof, and of the person or persons to whom the same is made, within one [3]* month after such transfer has been made ; and, in default of such notice, the person or persons so transferring as aforesaid shall forfeit a sum equal to the amount of the nazrana leviable on the occasion from the person to whom the transfer shall have been made. Holder of land paying occasional nazrana to give notice to Collector, etc., of transfer.

6. *Clause 1st.*—When lands are held wholly or partially exempt from the payment of land-revenue, upon the title to which exemption there has not been any formal adjudication, the holders asserting a right to such exemption shall be at liberty, on the conditions hereinafter described, to claim a trial of, and adjudication upon, their title, according to Act XI of 1852, so far as the same is not altered, modified or superseded by, or inconsistent with, the provisions of this Act. Holders asserting right to exemption may claim trial of, and adjudication upon, their title according to Act XI of 1852.

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] This word was substituted for the word "or" by the Amending Act, 1895 (16 of 1895).

[3] The word "calendar" was repealed by Bom. 3 of 1886, Sch. B.

[4] The words "Collectorate or" were repealed, *ibid.*

Effect of exemption being established.

Clause 2nd.—In the event of the title to such exemption being upon such inquiry demanded as last aforesaid duly established, the land shall not be heritable in any other manner, or to any further extent than the same may, on such inquiry as last aforesaid, be adjudged to be heritable: nor shall any adoption be recognised in any Civil Court [1]* * * or by any officer of [2][the Crown], as creative of, or continuing, a title to claim from [2][the Crown] any exemption from assessment or any other privilege on account of the said lands; and no nazrana shall be received on account of [3][the Provincial Government] from the holders of such lands.

And whensoever the same lands or any part thereof, either by operation of law, or by devolution, assignment, gift, sale (whether such sale be judicial, public or private), devise, transfer-deed or other instrument, or otherwise howsoever, pass to any person, not an heir by actual descent from the person to whose heirs the lands shall be declared heritable, or in default of such declaration, from the person who may establish his title to exemption as last aforesaid, then the said lands, or such part thereof as may have so passed to any person other than the said actual descendants, shall forthwith become and be liable to payment of annual land-revenue at the full assessment.

Effect of exemption not being established.

Clause 3rd.—In the event, upon such inquiry as aforesaid, of there being a failure by the holders to establish title to exemption from payment of land-revenue, the lands to which he has failed to establish such title shall forthwith become and be liable to payment of annual revenue at the full assessment.

When holders demand trial and adjudication, security to be furnished.

7. *Clause 1st.*—When the holders of land, held wholly or partially exempt from the payment of land-revenue, demand a trial and adjudication of their title under the provisions of section 6 [4]* *, they shall be required to furnish satisfactory security for the payment of the assessment of the land, in case of their failure to prove the title to exemption asserted by them; and, in default of their furnishing such satisfactory security, the full assessment of the land which is to be the subject of inquiry shall be levied pending the adjudication.

Refund of assessment with interest, if holder prove title.

Clause 2nd.—If the inquiry result in the establishment of the asserted title, the holder, or, in the event of his decease, his heir who succeeds to possession of the said lands, shall be entitled to a refund of any assessment levied under the provisions of this section, pending such inquiry as aforesaid and to interest thereon at the rate of five per cent. per annum.

Full amount of land-revenue to be paid, if holder fail to prove title.

Clause 3rd.—If the result of the inquiry be that the holder fail to prove his title, the full amount of land-revenue assessable on the lands from the date of the holder's demand for trial shall be levied from the said holder and his security, or either, any sums levied pending adjudication as aforesaid being taken in account of the same.

Lands held on behalf of religious or charitable institutions.

8. *Clause 1st.*—Lands held wholly or partially exempt from the payment of land-revenue on behalf of religious or charitable institutions shall, if already formally adjudicated to be permanently so continuable, be so continued wholly or partially exempt from such payment of land-revenue as aforesaid, according to the terms of the adjudication.

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[1] The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Provincial Government" were substituted for the word "Government" by *ibid.*

[4] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

Clause 2nd.—Lands held on behalf of religious or charitable institutions, either wholly or partially exempt from the payment of land-revenue, shall, if not already formally adjudicated to be permanently so continuable, be declared to be so wholly or partially exempt from such payment of land-revenue as aforesaid; subject, however, to the payment of annual quit-rent equal to one-fourth of the assessment, which shall be ascertainable under the rules annexed to section 2 [1]* * *.

Clause 3rd.—It is, however, hereby declared that lands held on behalf of religious or charitable institutions wholly or partially exempt from the payment of land-revenue, shall not be transferable from such institutions either by assignment, sale (whether such sale be judicial, public or private), gift, devise or otherwise howsoever, and no nazrana shall be leviable on account of such lands.

Clause 4th.—If the holders, managers or trustees of such lands shall refuse to accept the terms provided by clause 2 of this section, and shall demand a trial and adjudication of the title by which the land is held wholly or partially exempt from land-revenue, they shall be entitled to the same, on the conditions described in section 7 and subject to the liabilities provided in section 6 [1]* *.

Power to invest officers with authority of Inam Commissioners and their assistants.

9. It shall be lawful for the [2][Provincial Government] to appoint officers to carry out the inquiries provided for in this Act in the districts in which Act XI of 1852 has the force of law, and to invest any officer so appointed with the authority conferred by the above Act on Inam Commissioners and Assistant Inam Commissioners.

Burden of proof in cases of inquiries under section 6.

10. Whensoever any person, or persons, holding lands wholly or partially exempt from the payment of land-revenue, upon the title to which exemption there has not been any formal adjudication, shall (whether such alleged title be founded on grant or prescription or on any other ground whatsoever) demand an inquiry under section 6 [1]* * into such title, the burden of proof of such title shall, in every instance, lie and be cast exclusively upon the person or persons holding, or claiming to hold, such lands so wholly or partially exempt from the payment of land-revenue as aforesaid, notwithstanding any existing usage, law, Regulation, Act or Statute in anywise to the contrary;

and it shall not be lawful for any Civil Court [3]* * *, * to place the burden of proof upon [4][the Crown], or upon the officer or officers representing [4][the Crown], of a right to levy the ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid, and it shall in every instance be presumed, until the contrary is distinctly proved, that [4][the Crown] has the right to levy such ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid.

It is, however, hereby further provided that nothing in this section contained shall disentitle [4][the Crown], or its duly authorized officers, to produce and give evidence in rebuttal or disproof of the alleged title to exemption aforesaid, if it seem to [4][the Crown], or its duly authorized officers, desirable or necessary to produce and give such evidence.

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (XII of 1876).

[4] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Collector or other officer may serve notice on holder of lands, asking whether or not he demands inquiry under section 6.

11. *Clause 1st.*—It shall be lawful for the Collector of each [1]* * district, or for any other officer of [2][the Crown] duly authorized in that behalf, whensoever such Collector or such other officer shall have reason to believe that lands are held wholly or partially exempt from payment of land-revenue, and that there has not been any formal adjudication upon the title to such exemption, to serve, or to cause to be served, a notice in writing, upon the holder of such lands, calling upon him to state whether or not he demands an inquiry under section 6 [3]* * * into such alleged title to exemption as aforesaid, instead of accepting and abiding by the terms described in section 2 [4]* * *.

Language and form of notice.

Clause 2nd.—The notice shall be in the prevailing language of the [1]* * * district in which the lands are situate, and shall explain the nature of the alternatives offered on the part of [5][the Provincial Government].

On whom to be served.

Clause 3rd.—It shall be served upon the person holding, or registered in the Government land-registers as holding, the lands wholly or partially exempt from the land-revenue as aforesaid, if he be resident within the limits of the [6][district.]

Service on non-resident persons.

Clause 4th.—If such persons as last aforesaid be not resident within the [7][district], the notice shall be served upon any person acting for the aforesaid in respect of the lands.

Service when several persons hold lands jointly.

Clause 5th.—When more persons than one hold jointly lands wholly or partially exempt from land-revenue, service of notice upon any one of them shall in every case be sufficient.

Service when holder known to reside in another district.

Clause 6th.—If the holder be known to reside in another [7][district] of the Bombay Presidency, and if there be no person acting for him in the [7][district] in which the lands are situate, the notice shall be sent to the Collector of such other [7][district] and served or caused to be served by him.

When no person acts for holder and holder cannot be found.

Clause 7th.—If there be not any person acting for the holder, and if he cannot be found, the notice shall be served upon some one of the actual occupants of the land (if any), and a copy of such notice shall be posted in the office of the chief native revenue-officer of the district, and in the chauri or most public place in the village where the lands are situate.

Inquiry when sufficiency of service of notice disputed.

Clause 8th.—In the event of any dispute arising as to the sufficiency of the service of any notice or notices under this section, the matter so in dispute shall be inquired into by the Collector of the district or other officer appointed for the purpose by the [8][Provincial Government], and the decision of the Collector or such other officer as aforesaid shall be final, and not open to appeal or question in any Civil Court [9]* * * * or elsewhere.

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[1] The words "Collectorate or" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

[2] The words "the Crown" were substituted for the words "Government" by the Adaptation of Indian Laws order in Council.

[3] The words "of this Act" were repealed by Bom. 3 of 1886.

[4] The words "of the same" were repealed, *ibid.*

[5] The words "the Provincial Government" were substituted for the word "Government". by the Adaptation of Indian Laws Order in Council.

[6] This word was substituted for the word "Collectorate" by the Amending Act, 1895 (16 of 1895).

[7] This word was substituted for the word "Collectorate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[8] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[9] The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

Clause 9th.—If within two [1]* months after the service of such notice in manner aforesaid, the person holding the lands wholly or partially exempt from revenue as aforesaid, or his legally constituted agent, shall not give an answer in writing to such notice, stating clearly in such answer that he demands an inquiry into the title to such exemption as aforesaid, he shall be deemed to have finally dispensed with such inquiry, and the lands, if held as aforesaid by an individual or individuals, shall be dealt with under sections 1 and 2 [2]* * and the rules annexed to said section 2, and, if held on behalf of religious or charitable institutions, shall be dealt with under clause 2 of section 8 [2]* * .

Holder making no answer for two months, deemed to have dispensed with inquiry.

But, if no holder or owner can be discovered, the land shall be fully assessed to the public revenue, and shall continue to be so assessed unless some person shall, within the law of limitations, appear and prove his title to it.

If no holder or owner discovered, land to be fully assessed.

Clause 10th.—In the event of any dispute arising as to the sufficiency of any such answer as last aforesaid, or as to its meaning, or as to its having been given within the time required by this Act, the matter so in dispute shall be inquired into by the Collector or other officer appointed for the purpose by the [3][Provincial Government] and the decision of the Collector or such other officer as aforesaid shall be final, and not open to appeal or question in any Civil Court [4]* * * or elsewhere.

Inquiry when sufficiency of answer to notice disputed.

Clause 11th.—Whensoever an answer in writing is given by any holder or his agent demanding an inquiry under section 6 or clause 4 of section 8 * * [5]the Collector or other officer to whom such answer has been given shall take the security required in such cases by section 7 [5]* * *, or, in default of the same being furnished, shall take such steps as shall be necessary for levying the full assessment of the land as required by the said section, and shall refer the holder's claim to the officer appointed by Government for the trial of such matters, who shall, with reasonable regard to the public convenience, and to the convenience of all persons interested or to be engaged in conducting such inquiry, fix a time at which it shall be proceeded with.

After answer demanding inquiry, security to be taken.

Claim to be referred to officer. Time to be fixed.

Clause 12th.—Any claimant demanding an inquiry into his title shall be allowed the benefit or any evidence to be found in the records of the present or any former Government, in custody of such public officer as is authorized by the [6][Provincial Government] to have charge or custody of the same, and such public officer shall be bound to search for and to produce the same on application made to him.

Claimant allowed benefit of evidence to be found in Government records in custody of such public officer.

12. [*Validation of prior notices, orders and settlements.*] *Rep. Act XVI of 1895.*

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[1] The word "calendar" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

[2] The words "of this Act" were repealed, *ibid.*

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

[5] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[6] The words "Provincial Government" were substituted for the words "British Government" by the Adaptation of Indian Laws Order in Council.

Appeal from proceedings of officers making adjustment to be made to Provincial Government.

13. When any adjustment of a claim or claims to total or partial exemption from land-revenue has been made by the [1][Provincial Government], or any duly authorized officer [2][of the Crown], under the second, fifth and eighth sections [3]* * * [4]* * * * * * * * *, any appeal from or against the proceedings, orders or acts of the officers [2][of the Crown] engaged in making any such adjustment shall be made to the [1][Provincial Government], or to such officer or officers as may be appointed by the [1][Provincial Government] to take cognizance of such appeals, and shall not be recognizable by any other authority.

14. [*Bar of suits against Government officers.*] *Rep. Act X of 1876.*

Quit-rents, nazranas, etc., how levied.

15. All quit-rents, nazranas, succession duties, transfer duties and forfeitures, payable under this Act, shall be levied in the manner in which ordinary land-revenue is now recoverable, and the claim of [5][the Provincial Government] to such quit-rents and nazranas, and to all forfeitures provided by this Act, shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment, decree, execution or attachment or otherwise howsoever, against the lands, or the holder or holders thereof.

16. (*A*) [*Number and gender.*] *Rep. Bom. III of 1886.*

Interpretation-clause.

(*B*) the word "lands" shall, for the purposes of this Act, be understood to include villages, portions of villages, shares of the revenues thereof, and landed estate of every description:

(*C*) "political tenure" is tenure created from, or dependent upon, political considerations, the existence of which shall be determined by the Government:

(*D*) the phrase "lands held for service" shall include lands specially granted, or held or continued, nominally for the performance of service, whether that service be actually performed or not, and lands granted, held or continued, partly in consideration of past service, and partly for the performance of prospective service, but shall not include lands granted in consideration of past service only; and it is to be understood [6][that the Provincial Government] shall be competent to determine any question that may arise in giving effect to this Act, as to whether or not any lands are lands held for service:

(*E*) formal adjudication shall be held to mean final adjudication under any Regulation of the Bombay Government, or under Act XI of 1852, in cases to which the same were applicable, and in other cases final adjudication after inquiry by [7][the Provincial Government] or some authorized officer thereof:

(*F*) for the purposes of this Act, the word "holder" shall be taken to signify the person who, by himself, his tenants, sub-tenants or agents, is in possession of the land held wholly or partially exempt from land-revenue assessment, and shall include a mortgagee in possession as aforesaid:

(*G*) the word "transfer" shall, for the purposes of this Act, be taken to mean the permanent alienation of land by assignment, gift, sale, deed or other instrument, or otherwise howsoever, and also mortgage of the same under which possession shall have passed or is to pass to the mortgagee.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "of the Crown" were substituted for the words "of Government", *ibid.*

[3] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schdule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] The words "it shall not be competent for any Civil Court or Court of Law or Equity to question such adjustment; so far as the right of Government to levy from the holder or holders of the lands for the time being, the nazrana and the annual quit-rents mentioned in the said second, fifth and eighth sections, or any of them, is concerned" were repealed by the Bombay Revenue Jurisdiction Act, 1876 (10 of 1876).

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] The words "that the Provincial Government" were substituted for the words "that Government", *ibid.*

[7] The words "the Provincial Government" were substituted for the words "the British Government", *ibid.*

THE SATARA, SHOLAPUR AND SOUTHERN MARATHA COUNTRY LAWS ACT, 1863.

CONTENTS.

PREAMBLE.

Sections.

1. Villages in Satara rendered subject to Bombay laws.

2. Villages in Sholapur and in Southern Maratha Country rendered subject to Bombay laws.

3. [*Repealed.*]

4. Privileges and exemptions of certain persons of rank.

5, 6, 7. [*Repealed.*]

8. Village of Muchandi excluded from operation of Regulations and Acts.

SCHEDULE A. List of the Parganas, Tarafs and other known Divisions of the Collectorate of Satara to be brought under the Regulations and Acts.

SCHEDULE B. List of Villages in the Collectorate of Sholapur to be brought under the Regulations and Acts.

BOMBAY ACT No. III OF 1863.[1]

[THE SATARA, SHOLAPUR AND SOUTHERN MARATHA COUNTRY LAWS ACT, 1863.][1]

[*15th April, 1863.*]

Repealed in part, by Act 4 of 1868 ;

" " " " " 15 of 1874 ;

" " " " " 10 of 1876 ;

" " " " " 16 of 1895 ;

" " " " Bom. 3 of 1886.

An Act for bringing under the Regulations and Acts of the Presidency of Bombay the territories of Satara, certain villages and lapsed States in the Collectorate of Sholapur and in the Southern Maratha Country, [2]* * * * * and for excluding the village of Muchandi, Pargana Jath, from the operation of the Regulations and Acts of the Presidency of Bombay.

WHEREAS it is expedient for the better administration of justice in the territory of Satara that the Collectorate should be brought under the Regulations and Acts of the Presidency of Bombay ; Preamble.

and whereas certain villages which now belong to Government in Sholapur and the Southern Maratha Country have not yet been made subject to the operation of the general Regulations and Acts affecting the Bombay Presidency ;

[3]* * * * * * * *

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1862, Supplement, p. 513 ; for Report of the Select Committee, *see ibid*, p. 608 ; and for Proceedings in Council, *see ibid*, pp. 713 and 799.

So much of Bom. 3 of 1863 as related to the following villages, namely :—

the Sanglikar's village of Dorli in Karyat Savarda ;
the Sanglikar's village of Borgaon in Karyat Digraj ;
the Mirajkar's village of Dupat Borgaon in Karyat Dudgaon ;
the village of Sangam Mahuli, Taraf Vandán, belonging to the Pant Pratinidhi ;
the village of Kinhi, Sammat Koreygaon, belonging to the Pant Pratinidhi, was repealed by Act 4 of 1868.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] The words "certain lands ceded to the Government of Bombay for Railway purposes ; and the District of North Canara, with the exception of the talooka Cundapoor" were repealed by the Amending Act, 1895 (16 of 1895).

[3] The following portion of the preamble was repealed, *ibid* :—

"And whereas lands in certain villages have been ceded by His Highness the Guicowar and His Excellency the Nawab of Sucheen to the Government of Bombay for Railway purposes, and it is expedient that such lands should be made subject to the Regulations and Acts of the said Presidency ; and whereas the District of North Canara which formed a part of the Presidency of Fort Saint George has, with the exception of the Talooka of Cundapur, been detached from that Presidency and annexed to the Presidency of Bombay, from the sixteenth day of April 1862, and now forms part of the latter, and it is expedient that the District so transferred should be brought under the Regulations and Acts of the Presidency of Bombay."

and whereas the village of Muchandi, pargana Jath, in the territory of Satara, was inadvertently included in [1]Act VI of 1842, by which certain villages in the Southern Maratha Country were brought under the operation of the Regulations and Acts of the Presidency of Bombay ;

It is hereby enacted as follows :—

Villages in Satara rendered subject to Bombay laws.

1. The villages in the Collectorate of Satara as described in Schedule A [2]* * * shall, from and after the first day of January, 1863, be subject to the Regulations and Acts which are or shall at any time hereafter be in force within the territories subject to the Presidency of Bombay.

Villages in Sholapur and in Southern Maratha Country rendered subject to Bombay laws.

2. The villages in the Collectorate of Sholapur and in the Southern Maratha Country described in Schedule B [2]* * * shall, from and after the passing of this Act, be subject to the Regulations and Acts which are or shall at any time hereafter be in force within the territories subject to the Presidency of Bombay.

3. [*Bar of jurisdiction of Civil Courts in certain cases.*] *Rep. Act X of 1876.*

Privileges and exemptions of certain persons of rank.

4. *Clause 1st.*—It is also further enacted that the privileges and exemptions provided in sections 3, 4 and 5, Regulation XXIX, A.D. 1827 and section 5 of Regulation VII, A.D. 1830, and Regulations I and XVI, A.D. 1831, as amended by section 6, [3]Act XIII of 1842, are equally applicable in the districts now brought under the Regulations and Acts to the persons of rank therein referred to, as they are in the Dekkhan, Khandesh and Southern Maratha Country.

Clause 2nd.—[*Process against Shrimant Sagunabai Ai Saheb Maharaj.*] *Rep. Act XVI of 1895.*

5, 6, 7. [*Railway lands ; North Kanara ; saving of prior proceedings.*] *Rep. Act XV of 1874.*

Village of Muchandi excluded from operation of Regulations and Acts.

8. The village of Muchandi, pargana Jath, in the territory of Satara, included in [1]Act VI of 1842, by which certain villages in the Southern Maratha Country were brought under the Regulations and Acts of the Presidency of Bombay, shall, from and after the passing of this Act, be excluded from the operation of the Regulations and Acts of the Presidency of Bombay, anything in the said [1]Act VI of 1842 to the contrary in anywise notwithstanding.

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[1] Act 6 of 1842, relating to the Nepani Jagir, was repealed by the Laws Local Extent Act, 1874 (15 of 1874).

[2] The words "to this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[3] Act 13 of 1842 is not republished, having been repealed locally by the Bombay Land-revenue Code, 1879 (Bom. 5 of 1879).

SCHEDULE A.

LIST OF THE PARGANAS, TARAFS AND OTHER KNOWN DIVISIONS OF THE COLLECTORATE OF SATARA TO BE BROUGHT UNDER THE REGULATIONS AND ACTS.

Consecutive numbers.	Names of the division.
1	Taraf Satara.
2	Taraf Parli.
3	*Taraf Vandan.*[1]
4	Taraf Targaon, with the exception of the village Vatar entered in the accounts as belonging to the Chief of Jamkhandi.
5	Taraf Umraj, with the exception of the following two villages :— (1) Korti, entered in the accounts as belonging to the Pant Pratinidhi. (2) Sirvada, entered in the accounts as belonging to the Chief of Jamkhandi.
6	Sammat Nimb.
7	Taraf Medha.
8	Taraf Kedamb.
9	Taraf Baramura.
10	Taraf Kudal.
11	Taraf Ategaon.
12	Taraf Bamnoli.
13	Taraf Solsa.
14	Taraf Tamb.
15	Karyat Naneghola.
16	Taraf Tarla.
17	Karyat Talbid.
18	Taraf Haveli Karad, with the exception of the following twelve villages :— (1) Saidapur. (2) Kapil. (3) Padli. (4) Belavda Varghat. (5) Dushera. (6) Gondi. (7) Ghonshi. (8) Kodoli. (9) Virvada. (10) Bichud. (11) Manu. } Entered in the accounts as belonging to the Pant Pratinidhi. (12) Retra Khurd ... Ditto to Sanglikar Patvardhan.
19	Taraf Marli.
20	Taraf Patan.
21	Taraf Helvak.
22	Karyat Kashigaon.
23	Taraf Kola.
24	Fort[2] Sadashivgad, Vasantgad and Manchindragad.

[1] As to the village of Sangam Mahuli, Taraf Vandan, *see* first footnote on p 23 *supra*.
[2] *Sic.*

Consecutive numbers.	Names of the division.
25	Karyat Ashta.
26	Taraf Khatav.
27	Taraf Malavdi.
28	Taraf Dahigaon.
29	Taraf Mhasvad.
30	Taraf Lalgaon.
31	Forts of Machimangad, Varugad and Vardhangad.
32	Taraf Dharmpuri.
33	Karyat Khanapur.
34	Karyat Mayni.
35	Karyat Yangi.
36	Karyat Vita.
37	Karyat Bhalavni.
38	Karyat Nimsod.
39	Fort of Bhushangad.
40	Pargana Kasegaon, Taluka Pandharpur.
41	Pargana Brahmpuri, Taluka Pandharpur.
42	Pargana Sangola.
43	Pargana Gherdi.
44	Pargana Nazra.
45	Pargana Akluj.
46	Pargana Velapur.
47	Pargana Bhalavni, with the exception of the following five villages, entered in the accounts as belonging to the Chief of Akalkot :— (1) Piliv. (2) Shenda Chinch. (3) Shingorni. (4) Dhanora. (5) Kusmada.
48	Taraf Haveli Wai.
49	Taraf Jor Khora.
50	*Sammat Koreygaon.*[1]
51	Sammat Vagholi.
52	Pargana Molvad.
	The parts of the following parganas, situated in the Collectorate of Satara :—
53	Pargana Bejapur.
54	Pargana Gota.
55	Pargana Baloti.
56	Pargana Sidhnath.
57	Pargana Mamdapur.
58	Pargana Chimalgi.
59	Pargana Kolhar.

[1] As to the village of Kinhi, Sammat Koreygaon, *see* first footnote on p. 23 *supra*.

Consecutive numbers.	Names of the division.
60	Pargana Honvad.
61	Pargana Bardoli.
62	Pargana Shirala, with the exception of the village of Vategaon entered in the accounts as belonging to the Chief of Kurundvad.
63	Pargana Atpadi, with the exception of the village Vitlapur, entered in the accounts as belonging to the Pant Pratinidhi.
64	Pargana Mangalvedha.
65	Pargana Shirval, with the exception of the following villages, entered in the accounts as belonging to the Pant Sachiv :— (1) Shirval. (2) Bavda. (3) Kesurdi. (4) Pargaon. (5) Tondla. (6) Sangvi. (7) Bhada. (8) Rui. (9) Yelka. (10) Kavtha. (11) Bhadavda.
	The parts of the following tarafs, situated in the Collectorate of Satara :—
66	Taraf Savarda.
67	Taraf Chiplam.
68	Taraf Valva, situated within the Satara territory, with the exception of the village Kundal, entered in the accounts as belonging to the Pant Pratinidhi.
69	Taraf Varun.
70	Taraf Phaltan, excepting the villages of Dalvadi and Vakri, entered in the accounts as belonging to the Chief of Phaltan.
71	Taraf Velvand Khora.
72	Taraf Rohidkhora, with the exception of the village Hatnoshi, entered in the accounts as belonging to the Pant Sachiv.
73	Taraf Nirthadi, with the exception of the village Mirja, entered in the accounts as belonging to the Pant Sachiv.
	The parts of the following Karyats, situated within the Collectorate of Satara :—
74	Karyat Baji.
75	Do. Vadgaon.
76	Do. Haveli Kolhapur.
77	Do. Kodoli.
78	Karyat Satva.
79	Karyat Bhilavdi, with the exception of the following four villages :— (1) Nagrala, (2) Babvada, (3) Ghogaon, and (4) Tupari, entered in the accounts as belonging to the Chief of Sangli.

Consecutive numbers.	Names of the division.
80	Karyat Sangli.
81	Karyat Dudhgaon, with the exception of Bhad Kinba, entered in the accounts as belonging to Sanglikar Patvardhan.
82	Karyat Aundh, with the exception of the following eight villages :— (1) Ramapur (2) Vyahapur (3) Saukira (4) Pargaon (5) Sirasgaon (6) Chikhalvohol (7) Aundh } Entered in the accounts as belonging to the Pant Pratinidhi. (8) Karla ... Ditto as belonging to the Chief of Akalkot.
83	Karyat Tasgaon.
84	Karyat Visapur, with the exception of the following four villages, entered in the accounts as belonging to the Chief of Sangli :— (1) Alta. (2) Sirgaon. (3) Nimb. (4) Audhali.
85	Karyat Anjni.
86	Karyat Raybag.
87	That part of Prant Pranhala situated within the Collectorate of Satara.

SCHEDULE B.

List of Villages in the Collectorate of Sholapur to be brought under the Regulations and Acts.

1. All the villages of pargana Karkamb, taluqa Madha, situated in the Collectorate of Sholapur, and not brought under the Regulations by Regulation XXIX of 1827, namely :—

(1) Mauje Pehnur ;
(2) Mauje Bhend ;
(3) Mauje Bhatumbra ;
(4) Mauje Yevti ;
(5) Mauje Akumba ;
(6) Mauje Bembla ;
(7) Mauje Tambva ; and
(8) Kasba Karkamb.

2. All the villages of the Naldurg pargana, taluqa Sholapur, situated in the Collectorate of Sholapur, remaining to be brought under the Regulations and not entered in [1]Act VI of 1842, namely :—

Mauje Tadvala.

3. All the villages of the Chand Kavtha pargana, taluka Hippargi, situated in the Collectorate of Sholapur, not brought under the Regulations by [1]Act VI of 1842, namely :— Mouje Ankalgi.

[1] Act 6 of 1842 relating to the Nepani Jagir, was repealed by the Laws Local Extent Act, 1874 (15 of 1874), General Acts.

4. The whole of pargana Chimalgi, taluka Mangoli, not brought under the Regulations by Regulations XXIX of 1827, namely :—

(1) Kasba Chimalgi ;

(2) Mauje Almati ;

(3) Mauje Vandal ;

(4) Mauje Biraldini ;

(5) Mauje Budni ;

(6) Mauje Hunshal ;

(7) Mauje Nagvad ;

(8) Mauje Akalvadi ;

(9) Mauje Arsangi ;

(10) Mauje Benal ;

(11) Mauje Angadgiri ;

(12) Mauje Hangargi ;

(13) Mauje Uni Bhavi ; and

(14) Mauje Gudhini.

All the villages of the Nidgundi pargana not brought under the Regulations by Regulation VII of 1830 and [1]Act VI of 1842 :—

(1) Areshankar.
(2) Vadvadgi.

LIST OF VILLAGES IN THE SOUTHERN MARATHA COUNTRY TO BE BROUGHT UNDER THE REGULATIONS AND ACTS.

1. The following villages in taraf Mugal Khod :—

Mauje Gundevadi.
Mauje Dharur.
Mauje Siddapur.
Mauje Kolijud.
Mauje Yebarhatti.
Mauje Harogeri.
Mauje Hidkal.
Mauje Mugal Khod.
Mauje Palbhavi.
Mauje Kappalgudi.
Mauje Hallur.
Mauje Sivapur.
Mauje Khan Naikinhatti.
Mauje Mudalgi.
Mauje Munal.

Phone:
M. R. Pattanshetti,
Ex. M. L. A.
GULEDGUDD.
Dist:Bijapur

[1] Act 6 of 1842, relating to the Nopani Jagir, was repealed by the Laws Local Extent Act, 1874 (*16* of 1874), General Acts.

2. The following villages in Prant Miraj :—

(1) Mauje Soni } Karyat Mane.
(2) Mauje Bhos } Rajuri.

(3) Mauje Bisur } Karyat Sangli.
(4) Mauje Kupvada }

(5) Mauje Haroli, Karyat Dessing.

(6) Mauje Yerandoli } Karyat Bedag.
(7) Mauje Belavki }

(8) Mauje Arvande, Karyat Savarde.
(9) Mauje Vadgaon, Karyat Anjni.
(10) Mauje Kalombi, Karyat Haveli.
(11) Mauje Shedshal, Karyat Shirhatti.
(12) Mauje Pandegaon, Karyat Kavtha Mahankal.

(13) Mauje Kasba Tasgaon } Karyat Tasgaon.
(14) Mauje Mauje Turchi }
(15) Mauje Padli }
(16) Mauje Bhilavdi }

(17) Mauje Vasgada, Karyat Kavtha.
(18) Mauje Nimni.

3. The following villages in Prant Kagal :—
(1) Mauje Ankli, Karyat Manjri.
(2) Mauje Burli, Karyat Digraj.

4. The following villages in Prant Raybag :—
(1) Kasba Ainapur, Karyat Ainapur.
(2) Mauje Hatnoli, Karyat Nandura.

5. The following village in Prant Hukeri :—
(1) Mauje Mangavatti, Karyat Jugal.

6. The following villages in Prant Bijapur :—

(1) Mauje Shirhatti } Karyat Kokatnur.
(2) Mauje Nagnur }
(3) Mauje Ratnapur }
(4) Mauje Shivdi }
(5) Mauje Haliyal }

The following village in pargana Kokatnur :—

(1) Mauje Mhaisvadgi.

7. Pargana Yadvad, with the exception of the three following villages :—
(1) Aurvad,
(2) Kalligudi,
(3) Chippalkatti,

entered in the accounts as belonging to the Chief of Jamkhandi.

8. Karyat Kinni.

9. The following village in taraf Kannur :—
   (1) Mauje Chikk Tarsi, Karyat Kannur.

10. The following village in pargana Shahapur :—
   (1) Ashta.

11. The following villages in Karyat Savarda :—
   (1) Kasba Savarda.
   (2) Mauje Londa.
   (3) *Mauje Dorli.*[1]

12. The following villages in taraf Phutgaon :—
   (1) Kasba Savlaj.
   (2) Mauje Dongarsani.
   (3) Mauje Karavli.

13. The following village in taraf Tasgaon :—
   (1) Mauje Punada.

14. *The following village in Karyat Dudhgaon :—*
   (1) *Mauje Dupat Borgaon.*[1]

15. *The following village in Karyat Digraj :—*
   (1) *Mauje Borgaon.*[1]

16. The following village in Prant Karad :—
   (1) Mauje Yelavi.

17. The following village in Karyat Uchgaon :—
   (1) Mauje Belgundi.

18. The following village in Karyat Kagti :—
   (1) Mauje Kangrali Khurd.

19. The following village in taraf Sambra :—
   (1) Mauje Nilji.

20. The following village in pargana Azamnagar :—
   (1) Khasbag.

21. The following isolated villages :—
   (1) Kasba Shedbal.
   (2) Kasba Jugal.
   (3) Mauje Kagvad.
   (4) Mauje Ugar Budruk.
   (5) Mauje Murgundi.
   (6) Mauje Tavsi.
   (7) Mauje Nandgaon.

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[1] As to the village of Dorli, the village of Dupat Borgaon in Karyat Dudhgaon and the village of Borgaon in Karyat Digraj, *see* first footnote on p. 23, *supra*.

22. The following villages in pargana Lakshmeshvar :—

(1) Mauje Kalas.
(2) Mauje Surngi.
(3) Mauje Konhigeri.
(4) Mauje Vadvi.
(5) Mauje Bijur.
(6) Mauje Kankapur.
(7) Mauje Kondikop.
(8) Mauje Konerikop.

23. The following villages in pargana Mulgund :—

(1) Mauje Mulgund.
(2) Mauje Sherul.
(3) Mauje Kabulayat Katti.
(4) Mauje Harthi.
(5) Mauje Chinchli.
(6) Mauje Kallur.
(7) Mauje Chaklabbi.
(8) Mauje Hirenarti.
(9) Mauje Yergupi.
(10) Mauje Narayanpur.
(11) Mauje Nagarhalli.
(12) Mauje Mantur.
(13) Mauje Keresur.
(14) Mauje Hebsur.
(15) Mauje Karlvad.
(16) Mauje Kuratti.
(17) Mauje Chikk Narti.

24. The following village in Karyat Ingalhalli :-

Mauje Ingalhalli.

25. The following villages in pargana Nargund :—

(1) Mauje Nargund.
(2) Mauje Bairanhatti.
(3) Mauje Dandapur.
(4) Mauje Karvinkop.
(5) Mauje Jagapur.
(6) Mauje Maujepeth.
(7) Mauje Arbaun.
(8) Mauje Somapur.
(9) Mauje Burlkatti.
(10) Mauje Siddapur.
(11) Mauje Chikk Nargund.
(12) Mauje Kankikop.
(13) Mauje Halgop.

26. The following villages in pargana Navalgund :—

(1) Mauje Kuregovankop.
(2) Mauje Hunrikatti.

27. The following villages in Karyat Shirol :—

(1) Mauje Shirol.
(2) Mauje Vadvatti.
(3) Mauje Ingalgundi.
(4) Mauje Kalas.
(5) Mauje Lingadhal.
(6) Mauje Budihal.

28. The following villages in taraf Konnur :

(1) Mauje Konnur.
(2) Mauje Arlikatti.
(3) Mauje Lakmapur.
(4) Mauje Gunakop.
(5) Mauje Chikk Molangi.
(6) Mauje Hira Tadsi.
(7) Mauje Vasina.
(8) Mauje Idgal.
(9) Mauje Madhadi.
(10) Mauje Bennur.
(11) Mauje Ajgundi.
(12) Mauje Bennur.
(13) Mauje Talakvad.
(14) Mauje Hotiholli.
(15) Mauje Lingadhal.

29. The following villages in pargana Badami :—

(1) Mauje Megur.
(2) Mauje Karamudi.

30. The following village in Mahal Hoskerri :—

(1) Kharlkop.

31. The isolated villages of Behatti and Sangdal.

SCHEDULE C.

[*Lands ceded for Railway purposes.*]

Repealed by Act XV of 1874.

THE GAS COMPANIES ACT, 1863.

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11. Meters, etc., not liable to distraint for rent.
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13. Penalty for wilfully damaging pipe.
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17. Penalty if water be fouled by gas.
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27. Power to extend Act to other places and Companies.
28. Interpretation.

BOMBAY ACT No. V OF 1863.[1]

[THE GAS COMPANIES ACT, 1863.][1]

[*12th May, 1863.*]

Repealed in part, by Bom. 3 of 1886.
Amended, by Act 16 of 1895.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 17 of 1945.*

An Act to confer certain powers on the Bombay Gas Company, Limited; and to enable Government to confer similar powers on other Companies registered and incorporated for the purpose of manufacturing and supplying gas.

Preamble.

WHEREAS a joint Stock Company has been lately formed for the purpose of introducing gas-works into the Presidency of Bombay, which Company has been completely registered in England under the Joint Stock Companies Acts, 1856 and 1857, with limited liability, and has duly obtained a certificate of incorporation under the name of "The Bombay Gas Company, Limited":

19 & 20 Vict., c. 47.
20 & 21 Vict., c. 14.

and whereas the said Company is about to erect gas-works in the [2][Greater Bombay], and is engaged in the preparation of apparatus and materials for the manufacture and supply of gas, and also in the business of gas fitters in the Presidency of Bombay:

and whereas it is expedient that powers and facilities should be given to the said Company to enable them to carry out their undertaking of lighting with gas the [2][Greater Bombay]; which powers and facilities may hereafter be extended to the operations of the said Company in other towns and places within or subject to the Presidency of Bombay, and to other Companies which are or may hereafter be registered and incorporated for the purpose of manufacturing and supplying gas;

It is enacted as follows:—

Power to break up streets, etc., under superintendence, and to open drains.

1. In the [2][Greater Bombay] and in any other town or place to which the provisions of this Act may hereafter be extended, by an order or orders or permission of the [3][Provincial Government], the Bombay Gas Company, Limited, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges, and may open and break up any sewers, drains or tunnels within or under such streets and bridges, and lay down and place within the same limits, pipes, conduits, service-pipes and other works, and from time to time repair, alter or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste-liquids which may arise in the making of the gas; and, for the purposes aforesaid, may remove and use all earth and materials in and under such streets and bridges;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1863, Supplement, p. 199: for Report of the Select Committee, *see ibid*, p. 255, and for Proceedings in Council, *ibid*, pp. 193 and 291.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] These words were substituted for the original words by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

* This Act was re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

and the Company may in and on such streets and bridges erect any pillars, lamps and other works, and do all other acts which the said Company shall from time to time deem necessary for supplying gas to the inhabitants of the said [1][Greater Bombay], or other town or place as aforesaid, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

Not to enter on private land without consent.

2. Provided always that nothing herein shall authorize or empower the said Company to lay down or place any pipe or other works into, through or against any building or in any land not dedicated to public use, without the consent of the owners and occupiers thereof, except that the said Company may at any time enter upon and lay or place any new pipe in the place of any existing pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down.

Notice to be served on persons having control, etc., before breaking up streets or opening drains.

3. Before the said Company proceed to open or break up any street, bridge, sewer, drain or tunnel, they shall give to the municipal commissioners for the [1][City of Bombay, the local authority concerned] or other persons under whose control or management the same may be, or to their clerk, surveyor or other officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work; except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the works, or the necessity for the same shall have arisen.

Streets or drains not to be broken up except under superintendence of persons having control of same.

4. No such street, bridge, sewer, drain or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officers, and according to such plan as shall be approved of by such persons, or their officers, or in case of any difference respecting such plan, then according to such plan as shall be determined by a Magistrate; and a Magistrate may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the said Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain:

If persons having control, etc., fail to superintend, Company may proceed.

Provided always that, if the persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain or tunnel, after having had such notice of the said Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Company may perform the work specified in such notice without the superintendence of such persons or their officer.

Streets broken up to be reinstated without delay.

5. When the said Company open or break up the road or pavement of any street or bridge, or any sewer, drain or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain or tunnel, so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light, sufficient

[1] These words were substituted for the original words by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be open or broken up, every night during which the same shall be continued open or broken up; and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same.

Penalty for opening or breaking up street without notice, etc.,

6. If the said Company open or break up any street or bridge, or any sewer, drain or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the said Company are hereby authorized to perform such works without any superintendence or notice; or

delay in reinstating streets, etc.,

if the said Company make any delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain or tunnel, so opened or broken up, or in carrying away the rubbish occasioned thereby; or

neglect to fence and light, etc.

if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same shall have been made good,

they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain or tunnel in respect of which such default is made, a sum not exceeding fifty rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty rupees for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

In case of delay, persons concerned may reinstate and recover expenses.

Expense how ascertained and recovered.

7. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain or tunnel in respect of which such delay or omission shall take place may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the said Company; and the amount of such expense shall in case of any dispute about the same be ascertained and recovered [1][in the Greater Bombay] and in any other town or place subject to the jurisdiction of any of Her Majesty's High Courts of Judicature, in the manner in which expenses are ascertained and recovered [2][in municipalities under the law for the time being in force] and, in any town or place not within the jurisdiction of any of Her Majesty's High Courts of Judicature, in the same manner as damages are recoverable under this Act.

Power to enter buildings for ascertaining quantity of gas consumed.

8. The clerk, engineer or other officer duly appointed for the purpose by the said Company may at all reasonable times enter any buildings, or place, lighted with gas supplied by the said Company, in order to inspect the meters, fittings and works for regulating the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied;

Penalty for hindering.

and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid, at any reasonable time, he shall, for every such offence, forfeit to the said Company a sum not exceeding fifty rupees.

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[1] These words were substituted for the original words by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[2] These words were substituted for the words and figures "under Act 14 of 1856" by the Amending Act, 1895 (16 of 1895).

Recovery of rents due for gas.

9. If any person supplied with gas, or any person to whom any meter or fitting shall have been let for hire by the said Company, neglect to pay the rent due for the same to the said Company, the said Company may stop the gas from entering the premises of such person by cutting off the service-pipes, or by such means as the said Company shall think fit, and the said Company may recover the rent due from such person, together with the expense of cutting off the gas, by proceeding before a Magistrate, or by action or plaint in any Court of competent jurisdiction.

Power to remove pipes when supply of gas discontinued.

10. In all cases in which the said Company are authorized to cut off and take away the supply of gas from any house or building or premises under the provisions of this Act, the said Company, their agents or workmen, after giving twenty-four hours' previous notice to the occupier, may enter into any such house, building or premises, between the hours of nine in the forenoon and four in the afternoon, and recover and carry away any pipe, meter, fittings or other works the property of the said Company.

Meters, etc. not liable to distraint for rent.

11. Any pipe, meter, fitting or other work let for hire by the said Company shall not be subject to distress for rent or revenue, or any rate or tax due upon the premises where the same may be used, nor be taken in execution under any process of any Court whatsoever, or in or under any proceeding in bankruptcy or insolvency, against the person in whose possession or power the same may be.

Penalty for fraudulently using gas.

12. Every person who shall lay, or cause to be laid, any pipe to communicate with, or who shall derive gas directly or indirectly from, any pipe belonging to the said Company, without their consent, or

who shall fraudulently injure or tamper with any such pipe, meter, fitting or other work as aforesaid, or

who, in case the gas supplied by the said Company is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the said Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use or burn the gas, or shall supply any other person with any part of the gas supplied to him by the said Company,

shall, in addition to the amount firstly due to the Company for gas supplied, forfeit to the said Company the sum of fifty rupees for every such offence and also the sum of twenty rupees for every day every such offence shall have been continued or repeated, and the said Company may take off the gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into, and shall not be liable to any action or suit for so doing.

Penalty for wilfully damaging pipe.

13. Every person who shall wilfully remove, destroy or damage any pipe, pillar, post, plug, lamp, or other work of the said Company for supplying gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the gas supplied by the said Company, shall for each such offence forfeit to the said Company any sum not exceeding fifty rupees in addition to the amount of the damage done.

Satisfaction for accidentally damaging pipe.

14. Every person who shall carelessly or accidentally break, throw down or damage any pipe, pillar or lamp belonging to the said Company or under their control shall pay to the Company such sum of money by way of satisfaction, not exceeding the amount of the damage done, as any Magistrate shall think reasonable.

15. If the said Company shall at any time cause or suffer to be brought or to flow into any stream, reservoir, aqueduct, pond or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying gas, or shall wilfully do any act connected with the making or supplying of gas, whereby the water in any such stream, reservoir aqueduct, pond or place for water shall be fouled, the said Company shall forfeit for every such offence a sum not exceeding one thousand rupees. Penalty for causing water to be corrupted.

And they shall forfeit an additional sum not exceeding five hundred rupees for each day during which such washing or other substance shall be brought or shall flow, or the act by which such water shall be fouled shall continue after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the said Company by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby. Daily penalty during continuance of offence.

16. Whenever any gas shall escape from any pipe laid down or set up by or belonging to the said Company, they shall immediately after receiving notice thereof in writing prevent such gas from escaping, and in case the said Company shall not within twenty-four hours next after service of such notice effectually prevent the gas from escaping, and wholly remove the cause of complaint, they shall, for every such offence, forfeit the sum of fifty rupees for each day during which the gas shall be suffered to escape after the expiration of twenty-four hours from the service of such notice. Daily penalty during escape of gas after notice.

17. Whenever any water shall be fouled by the gas of the said Company, they shall forfeit to the person whose water shall be so fouled for every such offence a sum not exceeding five hundred rupees, and a further sum not exceeding one hundred rupees for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence. Penalty if water be fouled by gas.

18. For the purpose of ascertaining whether such water be fouled by the gas of the said Company, the person to whom the water supposed to be fouled shall belong may dig up the ground and examine the pipes, conduits and works of the said Company: provided that such person before proceeding so to dig and examine shall give twenty-four hours' notice in writing to the said Company of the time at which such digging and examination is intended to take place, and shall give the like notice to the persons having the control or management of the road, pavement or place where such digging is to take place, and they shall be subject to the like obligation of reinstating the said road and pavement, and the same penalties for delay, or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the said Company for the purpose of laying their pipes, and provided further that the officers or other persons acting on behalf of the Company may be present at such digging and examination as aforesaid. Power to examine gas pipes to ascertain cause of water being fouled.

19. If, upon any such examination, it appear that such water has been fouled by any gas belonging to the said Company, the expenses of the digging, examination and repair of the street or place disturbed in any such examination shall be paid by the said Company, but, if upon such examination, it appear that the water has not been fouled by the gas of the said Company, the person causing such examination to be made shall pay all such expenses, and shall also make good to the said Company any injury which may be occasioned to their works by such examination. Expenses by whom to be borne.

20. The amount of the expenses of every such examination and repair and of any injury done to the said Company shall, in case of any dispute about the same, Expenses how ascertained.

together with the costs of ascertaining and recovering the same, be ascertained and recovered in the manner prescribed for the ascertainment and recovery of expenses in section 7 * * * *[1].

Liability to indictment for nuisance.

21. Nothing in this Act contained shall prevent the said Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable, in consequence of making or supplying gas.

Copies of memorandum and articles of association and of regulations, etc., to be kept for inspection—

22. Copies of the memorandum and articles of association of the said Company and of every other instrument registered under the said "Joint Stock Companies Acts, 1856 and 1857", as constituting the regulations of the said Company, and a copy of every special resolution of a general meeting whereby any change shall have been, or at any time shall be, made in the regulations of the said Company, shall be kept at the office of the said Company [2][in the Greater Bombay], and shall there be open to the inspection of all persons during the usual hours of business of the said office; 19 & 20 Vict., c. 47. 20 & 21 Vict., c. 14.

at office of Company in Bombay,

and copies of such memorandum and articles of association and of every other such instrument, and of every special resolution as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such special resolution hereafter to be made, in the Bombay Secretariat and also in the office of the Registrar of Joint Stock Companies, or, if there be no such officer, in the office of the person having the custody of the records of the High Court of Judicature at Bombay, and shall there be filed;

in Secretariat, and office of Registrar, of Joint Stock Companies.

Copy to be evidence.

and an examined copy of any such filed copy as aforesaid, certified by and under the hand of the Registrar of Joint Stock Companies, or of the person having the custody of the records of the said High Court, shall be good and sufficient evidence of such memorandum or articles of association, instrument or special resolution, in all actions, suits and proceedings whatsoever, whether civil or criminal, to be had in any court of justice, whether established by Royal Charter or not, or before any Magistrate or revenue or other officer, and whether acting judicially, or in any proceeding preliminary to a judicial inquiry throughout the territories within or ubject to the Presidency of Bombay.

Service of process on Company.

23. All services of mesne or other process, and all notices whatsoever, which by law or by the practice of any Court wherein the said Company shall sue or be sued, are required to be made, served or given for any purpose whatsoever to the said Company, shall and may be made, served and given, in addition to all ways and means by which the same may otherwise be legally made, served and given, by leaving the same addressed to the managing agent of the said Company at the office in Bombay of the said Company.

Recovery of penalties, etc.

24. Any penalties and forfeitures imposed by this Act, and any damages and expenses the recovery of which is not hereinbefore specially provided for, may respectively be recovered to the amount of fifty rupees by summary proceeding before a Magistrate.

Levy by distress.

25. All penalties, forfeitures, damages and expenses adjudged due under this Act, if the amount be not otherwise paid, may be levied by distress and sale of the goods and chattels of the party liable to pay the same, and the surplus arising

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] These words were substituted for the oiginal words by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

from such goods and chattels, after satisfying such amount and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained, or instead of proceeding by distress and sale, or in case of failure to realise by distress th whole or any part of any penalties, forfeitures, damages or expenses imposed or incurred under the p ovisions of th s Act, the person claiming such penalty, forfeiture, damage or expenses may sue the person liable to pay the same in any court of competent jurisdiction.

No distress unlawful for want of form, etc.

26. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Power to extend Act to other places and Companies.

27. It shall be lawful for the [1][Provincial Government], by an order to be published in the [2][Official Gazette], to extend the provisions of this Act to any other town or place within or subject to the P esidency of Bombay, and also to any other Joint Stock Company which may hereafter be formed for the purpose of manufacturing and supplying gas and which may have been completely registered according to law.

Interpretation.

28. The following words and expressions used in this Act shall have meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

[3] * * * * * * * * * *

The word "street" shall include any public passage or place, and any road, square, court, alley, highway, lane, gully or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public or railway-bridge or causeway, and over the approaches thereto.

[4] * * * * * * * * * *

[5] * * * * * * * * * *

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

[3] The words "Words importing the singular number only shall include the plural numbers and words importing the plural number only shall include also the singular number. Words importing the masculine gender shall include females" and the words "The words 'person' shall include a corporation whether aggregate or sole" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] The words "The word 'Magistrate' shall include any Magistrate of Police and any Joint Magistrate or other person lawfully exercising the power of Magistrate acting at or for the place or district where the matter requiring the cognizance of any such Magistrate arises" were repealed, *ibid.*

[5] The portion beginning with the words "The expression" and ending with the words "or harbour" was deleted by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

THE EXEMPTIONS FROM LAND-REVENUE (No. 2) ACT, 1863.

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SCHEDULE.

BOMBAY ACT No. VII OF 1863.[1]

[THE EXEMPTIONS FROM LAND-REVENUE (No. 2) ACT, 1863.][1]

[*2nd July, 1863.*]

Repealed in part, by Act 12 of 1873;
" " " " " 10 of 1876;
" " " " " 12 of 1876;

Repealed in part (locally), by Bom. 5 of 1879.

Repealed in part and amended, by Bom. 3 of 1886.

Amended, by Act 16 of 1895.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act for the summary settlement of claims to exemption from the payment of Government land-revenue, and for regulating the terms upon which such exemption shall be recognized in future, in those parts of the Bombay Presidency which are not subject to the operation of Act XI of 1852 of the Council of India.

Preamble.

WHEREAS in districts which are not subject to the operation of Act XI of 1852 it is expedient to provide, with certain exceptions, for the summary settlement of all claims to hold land, wholly or partially exempt from payment of land revenue, and for regulating the terms on which such exemption shall be recognized in future so as to preclude all doubt in regard to the relative rights of Government and the holders of such lands, and further to make provision for the exceptions aforesaid; It is hereby enacted:—

1. [*Repeal.*] *Rep. Act XII of 1873.*

Power to authorise and guarantee continuance, in perpetuity, of land in certain districts to holders on terms and conditions agreed to.

2. *Clause 1st.*—When the holders of lands in any of the said districts (except as is excepted in clause 2 of this section), held either wholly or partially exempt from the payment of Government land-revenue, shall consent to the terms and conditions hereinafter described, in preference to being obliged to prove their title to the exemption enjoyed by them, it shall be lawful for the [2][Provincial Government] to finally authorize and guarantee by sanad the continuance, in perpetuity, of the said land to the said holders, their heirs and assigns, upon the said terms, and subject to the said conditions.

Exceptions.

Clause 2nd.—The excepted cases to which the authority of adjustment and guarantee vested in the [2][Provincial Government] by this provision shall not extend are as follows:—

1st—lands held under treaty:

2nd—lands granted or held as saranjam, or on a similar political tenure:

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1862, Supplement, p. 635; for Report of the Select Committee, *see ibid*, p. 742; and for Proceedings in Council, *see ibid*, p. 715, and *ibid*, 1863, pp. 209 and 234.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

As to the application of Bom. 7 of 1863, *see* the Bombay Land-revenue Code, 1879 (Bom. 5 of 1879), s. 127.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

3rd—lands held for service:

4th—lands already formally adjudicated to be not continuable hereditarily.

Future tenure of lands included in exceptions.

Clause 3rd.—1st—Lands held under treaty shall continue to be held according to the terms of such treaty.

2nd—Lands granted or held as saranjam, or on similar political tenure, shall be resumable or continuable in such manner, and on such terms, [1][as the Provincial Government], on political considerations, may, from time to time, see fit to [2]determine.

3rd—Lands held for service shall be resumable or continuable under such general rules [1][as the Provincial Government] may think proper, from time to time, to lay down.

4th—Lands already formally adjudicated to be not continuable hereditarily shall continue to be held according to the decision passed in each case.

Clause 4th.—[*Rep. Act X of 1876.*]

Lands to which Act does not apply.

3. This Act shall not apply to lands which, in villages held on taluqdari, bhagdari, narwadari, khoti or other similar tenure, may have been partially or wholly alienated by the present or former holders of the said villages or by any one of them; and, in the event of the management of such villages being at any time resumed by [3][the Provincial Government], all land so alienated shall revert to [4][the Crown for the purposes of the Province] unaffected by the acts of the holders or any of them, so far as the public revenue is concerned, but without prejudice in other respects to the rights of individuals.

4. 5. [*Commutation of cesses, etc., and of occasional assessments.*] *Rep.* (*locally*) *Bom. V of 1879.*

Lands continued under section 2, clause 1, to be heritable and transferable property of holders, subject to fixed annual payment to Provincial Government.

6. When the [5][Provincial Government] shall, under clause 1 of section 2, finally authorize and guarantee the continuance, in perpetuity, to the holders, their heirs and assigns, of land wholly or partially exempt from the ordinary payment of annual land-revenue, the said lands shall (subject to the enactments contained in section 7 [6]* * *) be the heritable and transferable property of the said holders, their heirs and assigns, without restriction as to adoption, collateral succession or transfer and such lands shall thenceforth be continued, in perpetuity, subject to a fixed annual [7][payment to the Provincial Government], calculated at the rate of two annas for each rupee of the assessment, which assessment shall be ascertainable under the the following rules:

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[1] The words "as the Provincial Government" were substituted for the words "as Government" by the Adaptation of Indian Laws Order in Council.

[2] See in this connection rule 10 of Schedule B of Act 11 of 1852 (Titles to rent-free estates).

[3] The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Crown for the purposes of the Province" were substituted for the word "Government", *ibid.*

[5] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[6] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[7] The words "payment to the Provincial Government" were substituted for the words "payment to Government" by the Adaptation of Indian Laws Order in Council.

Rule 1.—The assessment of lands other than those specified in rule 2 shall, with respect to lands which have already been assessed by the revenue-survey now in progress, be the assessment already imposed upon those lands by that revenue-survey, and, with respect to lands which have not yet been assessed by that revenue-survey, shall be such assessment as shall be agreed on by the Collector or settling officer and the owner or holder of the lands, which shall be final; and, in failure of their agreement, it shall be the existing rental of the lands until the revenue-survey now in progress shall have placed a new assessment thereon, after which the assessment so placed by the said revenue-survey shall be understood to be the assessment. Rules for ascertaining amount of assessment.

And it shall be lawful for the duly authorized officers [1][of the Crown] employed in the said revenue-survey to enter upon all lands not heretofore assessed by such revenue-survey, for the purpose of fixing and making such assessment thereof.

Rule 2.—The assessment of lands of such an exceptional character as not to be assessable under the revenue survey rules shall be in the discretion of the Revenue officers [1][of the Crown], which discretion shall be guided, so far as may be, by the rate at which similar land in the same district [2][belonging to the Crown] is let, due regard being had by the said Revenue officers to all equitable considerations affecting such lands.

Shares of the revenues of villages (such as amals shall be assessed for the purposes of this Act at the value thereof, calculated at the average shown by such accounts of actual realizations by the holders as are forthcoming for the ten years immediately preceding the promulgation of these rules.

Rule 3.—Lands for which a Judi, salami or other-quit rent or land tax, under whatever denomination, is already [3][paid to the Provincial Government] or may be [4][payable to the Provincial Government] under the sections last preceding, instead of being liable to only one-eighth of the assessment, shall, in addition to the annual amount of such judi salami, quit-rent or other tax aforesaid, be liable to a further annual quit-rent equal to one eighth of the sum by which the annual or average annual amount of such judi, salami or other quit-rent or tax aforesaid may fall short of the assessment.

Rule 4.—Quit-rent imposed under this section (section 6) shall be fixed in perpetuity, and shall not be liable to increase or decrease on any new assessment, save in so far as is above in rule 1 of this section (section 6) provided to the contrary, in the case of lands which have not been already assessed by the revenue survey now in progress.

Rule 5.—The whole of the exempt lands found in the possession of each holder, even if in excess of the original alienation, shall be continued according to the provisions of this section (section 6) and the rules thereunto annexed, and subject to the enactments contained in section 7.

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[1] The words "of the Crown" were substituted for the words "of Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "belonging to the Crown" were substituted for the words "belonging to Government", *ibid.*

[3] The words "paid to the Provincial Government" were substituted for the words "paid to Government", *ibid.*

The words "payble to the Provincial Government" were substituted for the words "payble to Government", *ibid.*

Settlement under section 6, as regards right to levy annual quit-rent, binding on rightful owner as well as land-holder.

7. Any settlement made by the [1][Provincial Government] with the holder of land held wholly or partially exempt from the payment of land revenue in accordance with section 6 [2]* * * and the rules annexed to the said section, shall, so far as the right of [3][the Provincial Government] to levy the annual quit-rent mentioned in the said section is concerned, not only be binding upon such holder, his heirs and assigns, but also on the rightful owner, his heirs and assigns, whosoever such rightful owner may be :

Saving of rights and remedies of rightful owner, his heirs and assigns, against holder, his heirs or assigns.

Provided always that the said rightful owner, his heirs and assigns, shall not by this Act, or anything therein contained, be deprived of any rights or remedies [4]* * * * to which he or they would be entitled against the said holder, his heirs or assigns, for the recovery of the said lands or any part thereof, if this Act had not been passed ; and in the event of the rightful owner, his heirs or assigns, recovering the said lands or any part thereof, from the said holder, his heirs or assigns, any declaration, guarantee or settlement made by the [1][Provincial Government] under or in accordance with sections 2 and 6 [2]* * *, and the rules annexed to the said section 6, with respect to the said lands, while the same were in the possession of the said holder, shall accrue to the benefit of the said rightful owner, his heirs and assigns.

On proof of adjudication of title, holder exempt from quit-rent and from further inquiry into title.

8. Whenever a holder of alienated lands, on being called upon, under the rule to be hereinafter enacted, to declare if he consents to the quit-rent described in section 6, shall plead that his title has already been formally adjudicated, then on proof of such adjudication, and provided the case do not fall under case 4 of clause 2, section 2, the said holder shall be exempt both from liability to the said quit-rent and from any further inquiry into title :

Proviso.

Provided, however, that, if the said holder, for the purpose of enlarging the scope of the former adjudication, or for other reason, shall apply to have his holding brought under the settlement described in the second and following sections [2]* * * he shall be permitted to do so : and the lands shall thenceforth be held with all the privileges conferred by the said settlement and subject to all its conditions as if no previous adjudication had been made.

Collector may serve notice on holder calling on him to state whether he is willing to accept settlement or demands formal inquiry into title.

9. *Clause 1st.*—In order to ascertain whether a holder of lands, wholly or partially exempt from payment of land-revenue, desires to accept the settlement described in sections 6 and 7 [2]* * *, it shall be lawful for the Collector of each [5]* * * district, or for any other officer duly authorized by him, to serve or to cause to be served a notice in writing upon the holder of such lands, calling upon him to state whether he is willing to accept and abide by the settlement aforesaid, or whether he demands formal inquiry into his title.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "either at law or in equity" were repealed by the Repealing Act, 1876 (12 of 1876).

[5] The words "collectorate or" were repealed by Bom. 3 of 1886, Sch. B.

Clause 2nd.—The notice shall be in the prevailing language of the [1]* * * district in which the lands are situate, and shall explain the nature of the alternatives offered [2][on the part of the Provincial Government]. Language and form of notice.

Clause 3rd.—It shall be served upon the person holding, or registered in the Government land-registers as holding, the lands wholly or partially exempt from the land-revenue as aforesaid, if he be resident within the limits of the [3][district]. On whom to be served.

Clause 4th.—If such persons as last aforesaid be not resident within the [3][district], the notice shall be served upon any person acting for the aforesaid in respect of the lands. Service when persons not resident within district.

Clause 5th.—When more persons than one hold jointly lands wholly or partially exempt from land-revenue, service of notice upon any one of them shall in every case be sufficient. Service when several persons hold lands jointly.

Clause 6th.—If the holder be known to reside in another [3][district] of the Bombay Presidency, and if there be no person acting for him in the [3][district] in which the lands are situate, the notice shall be sent to the Collector of such other [3][district] and served or caused to be served by him. Service when holder known to reside in other district.

Clause 7th.—If there be not any person acting for the holder, and if he cannot be found, the notice shall be served upon some one of the actual occupants of the land (if any), and a copy of such notice shall be posted in the office of the Collector and of the chief revenue-officer of the taluka or other sub-division of the [3][district], and in the chauri or most public place in the village where the lands are situate. Service when no person acts for holder who cannot be found.

Clause 8th.—If within six [4]* months after the service of such notice in manner aforesaid the person holding the lands wholly or partially exempt from revenue as aforesaid, or his legally constituted agent, shall not give an answer in writing to such notice, stating clearly in such answer that he declines the settlement, and demands an inquiry into the title to such exemption as aforesaid, he shall be deemed to have finally dispensed with such inquiry, and the lands shall be dealt with under sections 2 and 6 [5]* * * and the rules annexed to said section 6. Holder making no answer for six months, deemed to have dispensed with inquiry.

If no holder or owner can be discovered, the land shall be fully assessed to the public revenue, and shall continue to be so assessed unless some person shall, within the period allowed by the law of limitations, appear and prove his title to it. If no holder or owner discovered, land to be fully assessed.

Clause 9th.—In the event of any dispute arising as to the sufficiency of the service of any notice or notices under this section, or of any such reply as last aforesaid, or as to its meaning, or as to its having been given within the time required by this Act, the matter so in dispute shall be inquired into by the officer appointed under section 12, and the decision of such officer as aforesaid shall be final, and not open to appeal or question in any Civil Court [6]* * * or elsewhere. When sufficiency of service of notice or of reply thereto disputed.

Except that in any case in which the notice has been served by the officer making an inquiry under this section, an appeal against his decision as to the

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[1] The words "Collectorate or" were repealed by Bom. 3 of 1886, Sch. B.

[2] The words "on the part of the Provincial Government" were substituted for the words "on the part of Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the word "collectorate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

[4] The word "calendar" was repealed, *ibid.*

[5] The words "of this Act" were repealed, *ibid.*

[6] The words "or Court of Law or Equity" were repealed by the Repealing Act, 1876 (12 of 1876).

sufficiency of such notice shall lie within thirty days to the [1]* Commissioner [1]* * * whose decision shall be final.

Conduct of inquiry, when claimed.

10. *Clause 1st.*—In the event of the holder upon whom notice has been served as last aforesaid claiming inquiry, such inquiry shall be conducted under the rules and according to the principles hereinafter enacted.

Land held in excess of that to which title is established to be fully assessed.

Clause 2nd.—The establishment of a title to exemption shall not preclude the levy of full assessment on all land ascertained to be held in excess of that to which a title is established, and such excess shall forthwith be fully assessed.

Effect of exemption not being established.

Clause 3rd.—In the event, upon such inquiry as aforesaid, of there being a failure by the holder to establish a title to exemption from payment of land-revenue, the lands to which he has failed to establish such title shall forthwith become and be liable to payment of annual revenue at the full assessment.

When holders demand trial and adjudication, deposits to be made and security given.

11. *Clause 1st.*—When the holders of lands, held wholly or partially exempt from the payment of land-revenue, demand a trial and adjudication of their title under the provisions of section 10 [2]* * *, they shall be required to deposit forthwith in the Collector's treasury, or the treasury of the taluka in which the lands are situated, a sum equal to one-eighth part of the annual assessment of the land, ascertainable according to rules 1 and 2 of section 6 [2]* * * and thereafter to continue to pay annually an eighth of the said assessment as it becomes due from the date of such demand for trial until the date of such adjudication, and to furnish satisfactory security for the payment of the remaining seven-eighths thereof, in case of their failure to prove the title to exemption asserted by them, and, in default of their making such deposits and furnishing such satisfactory security, the full assessment of the land, which is to be the subject of inquiry, shall be levied, pending the adjudication.

Refund of deposits and assessment, with interest, if holder prove title.

Clause 2nd.—If the inquiry result in the establishment of the asserted title, the holder, or, in the event of his decease, his heir who succeeds to possession of the said land, shall be entitled to a refund of all deposits made and assessment levied under the provisions of this section pending such inquiry as aforesaid, and to interest thereon at the rate of five per cent. per annum.

Full amount of land-revenue levied if holder fail to prove title.

Clause 3rd.—If the result of the inquiry be that the holder fail to prove his title, the full amount of land-revenue assessable on the lands from the date of the holder's demand for trial shall be levied from the said holder and his security, or from either of them, any sums deposited or levied pending adjudication as aforesaid being taken in account of the same.

Inquiry by whom to be held.

12. When an inquiry is claimed under the provisions of section 10 [2]* * *, such inquiry shall be held before the Collector [3]* * * or, when specially authorized by [4][the Provincial Government] on that behalf, by any Assistant or Deputy Collector.

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[1] The word "Revenue" before "Commissioner" and the words "of the Division" after "Commissioner" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

[2] The words "of this Act" were repealed, *ibid.*

[3] The words "or Sub-Collector" were repealed by *ibid.*

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

13. When any claimant shall demand an inquiry as aforesaid, he shall, within two months of notifying his intention to that effect, furnish the deposit and security required in such cases by section 11 [1]* * *, and forward to the office of the Collector of the district a written statement, setting forth in detail the grounds on which the claim to exemption is founded, accompanied by copies of the original documents (if any) which he wishes to produce in support of the claim, and a list of such other evidence, whether written or oral, as he may desire to have exhibited; and no further evidence beyond such documents and witnesses as may be specifically named in the said statement or its accompaniments shall be admitted in support of such claim without reason assigned to the satisfaction of the trying authority. Steps to be taken by claimant demanding inquiry.

Clause 2nd.—If any claimant shall fail, within the time specified, to comply with the requirements of clause I of this section, except from unavoidable causes, to be proved to the satisfaction of the Collector of the district, his claim shall be finally disallowed, and his land shall be fully assessed forthwith. On failure to comply with requirements of clause 1, claim to be disallowed.

Clause 3rd.—On receipt of the said statement and accompaniments, the Collector shall file the papers for trial before himself or forward them for trial to any officer duly authorized under the section last preceding to hold such inquiry; and the trying officer shall, with reasonable regard to the public convenience and that of all persons interested, fix a time at which the trial shall be proceeded with. Collector to file papers for trial by himself, or forward them to other officer. Time of trial to be fixed.

Due notice of the date fixed shall be given to the claimant, who shall be invited to appear in person or by duly constituted agent, with all original documents, on the day appointed for hearing. Notice thereof to claimant.

14. Whensoever any claimant demands inquiry as aforesaid, the burden of proof of title shall, in every instance, lie and be cast exclusively upon the claimant, and it shall not be lawful for any Civil Court [2]* * * * to place the burden of proof upon [3][the Crown], or upon the officer or officers representing [3][the Crown] of a right to levy the ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid; Burden of proof of title on claimant demanding inquiry.

and it shall in every instance be presumed, until the contrary is distinctly proved that [3][the Crown] has the right to levy such ordinary land-revenue upon the lands the subject of any such inquiry as aforesaid.

It is, however, hereby further provided that nothing in this section contained shall disentitle [3][the Crown] or its duly authorized officers to produce and give evidence in rebuttal or disproof of the alleged title to exemption aforesaid, if it seem to [3][the Crown] or its duly authorized officers desirable or necessary to produce and give such evidence.

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Sch. B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "or Court of Law or Equity" were repealed, *ibid.*

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Claimant allowed benefit of evidence in Government records in custody of public officer.

15. Any claimant demanding an inquiry into his title shall be allowed the benefit of any evidence to be found in the records of the present or any former Government, in custody of such public officer as is authorized by the [1][Provincial Government] to have charge of the same, and such public officer shall be bound to search for and to produce the same on application made to him.

Trying authority not bound to admit in evidence certain sanads.

16. The trying authority shall not be bound to admit any sanad as evidence in support of a claim to exemption, which shall not bear an endorsement as having been registered by a Collector before the expiration of one year from the date on which [2]section 42 of Regulation XVII of the Bombay Code of 1827 came into force, *i.e.*, the first September of that year.

Code of Civil Procedure applied to service of summons on, and attendance and examination of, witnesses.

17. *Clause 1st.*—For the conduct of the inquiry, the rules of the [3]Code of Civil Procedure in regard to the service of summons on, and the attendance and examination of, witnesses, whether called by the claimant or on the part of [4][the Crown], shall be followed, except in so far as may otherwise be specified in this Act ;

Office of Collector a Civil Court.

and the office of the Collector or other trying authority shall, for the purpose of this inquiry, be constituted a Court of civil judicature as contemplated by the said Code.

Language of record of proceedings.

18. The Collector or other trying authority shall keep a record of his proceedings in the language generally spoken in the zila.

Translation of decision to be given to claimant.

He shall also record in English his decision, with a full statement of the grounds on which it is passed ; and a translation of such decision and statement shall, at the close of the inquiry, be given to the claimant or party attending on his behalf.

Court-fees Act applied.

Clause 2nd.—Except in regard to the translation last aforesaid, and to the statement with accompaniments described in section 13, clause 1, the provisions of [5][the Court-fees Act, 1870[6],] shall be held applicable to all petitions or other papers presented by or on behalf of the claimant, and the cost of all stamps so required shall be borne wholly by the said claimant.

Decision in favour of continuance of exemption to be final.

19. *Clause 1st.*—If the decision of the Collector or trying authority be in favour of the continuance of the exemption or any portion thereof, such exemption shall be admitted in terms of the decision, which shall be final.

Appeal by claimant from adverse decision.

Clause 2nd.—If the decision be against the right of the claimant to the total or partial exemption claimed, the claimant shall be at liberty to appeal to the Zila Court within ninety days from the date of that decision : provided that the annual value of the exemption decided against be rupees fifty or upwards and that proceedings under section 10, clause 3, shall not in any case be stayed pending the result of such appeal.

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[1] The words "Provincial Government" were substituted for the words "British Government" by the Adaptation of Indian Laws Order in Council.

[2] S. 42 of Bom. Reg. 17 of 1827 was repealed by s. 1 of this Act.

[3] *See* now the Code of Civil Procedure, 1908 (5 of 1908).

[4] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] These words were substituted for the words "the Stamp Act" by the Amending Act, 1895 (16 of 1895).

[6] Central Acts.

Clause 3rd.—If the result of the appeal be in favour of the claim, the amount which may have been levied under section 10, clause 3, shall be refunded. Refund if appeal succeed.

Clause 4th.—If any evidence, oral or documentary, not produced before the Collector or trying authority, be admitted in appeal without the claimant showing sufficient cause why such evidence was not previously produced, and proving that such cause was assigned to the Collector, or adducing good reason for its not having been so assigned, the said claimant shall forfeit, even if the appeal be successful, all sums which may have been levied from him under section 10. Forfeiture by claimant producing in appeal new evidence not produced at original trial.

VII of 1870. *Clause 5th.*—The provisions of [1][the Court-fees Act, 1870[2],] shall be applicable to all proceedings under appeal. Court-fees Act applied.

Clause 6th.—The decision of the Collector or trying authority shall not be liable to be set aside on appeal, on account of want of form or on any other technical ground. Bar to setting aside Collector's decision.

20. *Clause 1st.*—When exemption is claimed under a sanad or other writing granted by the present or any former Government, or by any of their officers possessing authority to grant the same, exemption shall be admitted in terms of the grant, unless evidence be forthcoming to show that the terms of such grant did not take effect or were subsequently modified, cancelled or revoked by competent authority. When exemption claimed under sanad, etc., may be admitted in terms of grant.

Clause 2nd.—The public officers specified in the [3]* Schedule are recognized to have possessed authority under former Governments to grant or revoke sanads or other writings, exempting land either wholly or partially from the payment of land-revenue. Officers recognized as authorized to grant or revoke sanads, etc.

21. Claims to exemption from payment of land-revenue, in virtue of prescription, shall be admitted under the following circumstances:— Admission of claims to exemption in virtue of prescription.

Clause 1st.—When land situated in districts ceded by or conquered from the Peshwa after 1803 is proved to have been held by any person, his heirs or others deriving right from him, wholly or partially exempt from payment of land-revenue, under a tenure recognized by the custom of the country, for sixty years in succession next preceding the date of this Act; or when land situated in any other district is proved to have been held in like manner for thirty years as aforesaid.

Clause 2nd.—Provided, however, that, whenever exemption has been enjoyed under a sanad or other writing, no title by prescription shall be admitted unless the full period required under the last preceding clause shall have lapsed subsequent to the expiry of the title under the sanad or writing aforesaid.

Clause 3rd.—And that in no case shall a title to prescription be admitted in respect to Government lands alienated since the British Government obtained possession of the country, and without its permission.

Clause 4th.—And further, that the exemption during the periods of sixty and thirty years, respectively, as detailed in clause 1 of this section, be proved to have been enjoyed in strict conformity with the conditions of the recognized tenure under which it is claimed.

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[1] These words were substituted from the words "the Stamp Act" by Amending Act, 1895 (16 of 1895).

[2] Central Acts.

[3] The word "annexed" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886). Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

Conditions on which admitted prescriptive title to continue to be recognized.

22. A prescriptive title admitted under the preceding section shall continue to be recognized only in conformity with the conditions of the tenure under which the exemption has been hitherto enjoyed.

Prescriptive title when not admitted.

23. A prescriptive title under section 21 shall not be admitted in respect to any land held for service, or on a tenure implying an obligation of service, whether such service be performed or not.

Sanad, etc., of prescriptive enjoyment not sufficient title in so far as exemption annulled by order issued by present or former Government, etc.

24. *Clause 1st.*—A sanad or other writing under section 20, of prescriptive enjoyment under a recognized tenure as described in section 21, shall not be considered a sufficient title, in so far as the exemption has been wholly or partially annulled by an order issued by the present or any former Government, or by any public officer possessed under a former Government of full and sufficient authority to grant deeds exempting lands from the payment of public revenue, or so far as the land has been assessed under an order, not subsequently recalled, issued by any of the said public officers and such assessment has been realized.

Deed or enjoyment under recognized tenure when not sufficient title.

Clause 2nd.—Nor shall such a deed or writing, or such enjoyment under a recognized tenure, be considered as a sufficient title, if the land has been subsequently assessed for the period of twelve (12) years like other land of the same description enjoying no exemption, and the assessment has been realized but without prejudice to any suit filed in support of the title to exemption before the completion of the said period.

Title when affected only to extent of assessment made and realized.

Clause 3rd.—And, where the assessment so levied for twelve (12) years has not been to the extent of that imposed on land of the same description enjoying no exemption, such assessment shall affect the title only to the extent of the assessment so made and realized.

Adoptions when not admitted.

25. Adoptions unrecognized by the present or former Government or by one of their public officers possessed of competent authority shall not be admitted in any cases in which a claim to exemption is founded on a grant limiting succession to lineal descent.

Application of sections 20 to 25.

26. The provisions of sections 20 to 25 shall be of general application in all cases in which inquiry may have to be made, and shall not be confined to cases in which inquiry may have been demanded under section 10 * * *[1].

27. [*Pending proceedings.*] *Rep. Act XII of 1873.*

Appeal from proceedings of officers making settlement.

28. When any settlement of a claim or claims to total or partial exemption from land-revenue has been made by the [2][Provincial Government] or any duly authorized officer of [3][the Crown] under this Act, [4]* * * * * * any appeal

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Crown" were substituted for the word "Government", *ibid.*

[4] The words "it shall not be competent for any Civil Court or Court of Law or Equity, to question such settlement, so far as regards the right of Government to levy from the holder or holders of the lands for the time being the annual quit-rents mentioned in the second and sixth sections of the said Act" were repealed by the Bombay Revenue Jurisdiction Act, 1876 (10 of 1876).

from or against the proceedings, orders or acts of the officers of [1][the Crown] engaged in making any such settlement shall be made to the [2][Provincial Government] or to such officer or officers as may be appointed by the [2][Provincial Government] to take cognizance of such appeals, and shall not be cognizable by any other authority.

29. [*Bar of suits against Government officers.*]. *Rep. Act X of 1876.*

30. All quit-rents payable under this Act shall be levied in the manner in which ordinary land-revenue is recoverable, and the claim of [3][the Provincial Government] to such quit-rents shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment, decree, execution or attachment, or otherwise, howsoever against the lands or the holder or holders thereof. Quit-rents how levied.

31. Whenever it shall be necessary either to measure or to assess any lands in order to give effect to any of the provisions of this Act, it shall be lawful for the Collector or officer duly authorized by him to enter upon the same at any time and from time to time for the purpose of making an assessment or assessments thereof. Power to enter lands to measure or assess same.

32. (*A*) [*Number and gender.*]. *Rep. Bom. III of 1886.* Interpretation-clause.

(*B*) the word "lands" shall, for the purposes of this Act, be understood to include villages, portions of villages, shares of the revenues thereof, and landed estate of every description:

(*C*) "political tenure" is tenure created from, or dependent upon, political considerations, the existence of which shall be determined by [4][the Provincial Government]:

(*D*) the phrase "lands held for service" shall include lands specially granted, or held or continued, nominally for the performance of service, whether that service be actually performed or not, and lands granted, held or continued, partly in consideration of past service and partly for the performance of prospective service, but shall not include lands granted in consideration of past service only; and it is to be understood [5][that the Provincial Government] shall be competent to determine any question that may arise in giving effect to this Act as to whether or not any lands are lands held for service:

(*E*) "formal adjudication" shall be held to mean final adjudication under any regulation of the Bombay Government; or final decision by [6][the Provincial Government] or some authorized officer thereof:

(*F*) for the purposes of this Act, the word "holder" shall be taken to signify the person who, by himself, his tenants, sub-tenants or agents, is in possession of the land held wholly or partially exempt from land-revenue assessment,

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[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[4] The words "the Provincial Government" were substituted for the words "the Government", *ibid.*

[5] The words "that the Provincial Government" were substituted for the words "that Government", *ibid.*

[6] The words "the Provincial Government" were substituted for the words "the British Government", *ibid.*

and shall include a mortgagee in possession as aforesaid. The committee, manager or trustee of any temple, who may be in possession of such lands, shall be considered the holder thereof:

(*G*) the word "transfer" shall, for the purposes of this Act, be taken to mean the permanent alienation of land by assignment, gift, sale, deed or other instrument, or otherwise howsoever, and also mortgage of the same under which possession shall have passed or is to pass to the mortgagee.

SCHEDULE.

(*See Section 20, Clause 2nd.*)

LIST OF OFFICERS WHO, UNDER FORMER GOVERNMENTS, HAD POWER TO CONFER GRANTS EXEMPTING LANDS WHOLLY OR PARTIALLY FROM THE PAYMENT OF PUBLIC REVENUE.

UNDER THE EMPERORS OF DELHI.

Subadárs of Provinces.

IN THE TERRITORIES THAT WERE SUBJECT TO THE PESHWA.

The Peshwa.
All officers holding the mutálakì seal.
All sarsubahdárs in their districts.
All superior local functionaries acting directly under the Peshwa, without the intervention of any superior authority, if the deeds bear date prior to 1803.

The Gáikwár considered as a sarsubahdár in the Peshwa's territories to the north of the Maihi, during the period that he held them in farm.

IN THE TERRITORIES THAT WERE SUBJECT TO THE GAIKWAR.

The Gáikwár.
All officers holding the mutálakì seal.

IN THE TERRITORIES THAT WERE SUBJECT TO SCINDIA.

Scindia.
His officers holding the mutálakì seal.

IN THE TERRITORIES THAT WERE SUBJECT TO HOLKAR.

Holkar.
His officers holding the mutálakì seal.

IN THE TERRITORIES THAT WERE SUBJECT TO THE NIZAM.

The Nizam.

IN THE DISTRICTS THAT WERE SUBJECT TO THEM.

The Nawáb of Surat.
The Nawáb of Broach.

BOMBAY ACT No. II OF 1864.[1]

[THE BOMBAY STEAM-VESSELS ACT, 1864.][1]

[*22nd September, 1864.*]

Repealed (except section 15), by Act 6 of 1884.

An Act to provide for the periodical survey of steam-vessels in the ports, harbours, rivers or waters of the Presidency of Bombay.

PREAMBLE. [*Rep. Act VI of 1884.*]

1 to 14. [*Survey of Steam-vessels.*] *Rep. Act VI of 1884.*

15. It is hereby declared that sections 292, 293, and 294 of the Merchant Shipping Act (17 & 18 Vict., cap. 104)[2], and Schedule S of that Act are and shall be applicable to all steam-vessels proceeding to sea from any port or place in the Presidency of Bombay or its Dependencies, and that, in calculating the penalties mentioned in the said section 293, ten rupees be taken as the equivalent for one pound sterling.

Sections of Merchant Shipping Act, 1854, applied to steam-vessels proceeding to sea from ports in Bombay.

16, 17. [*Trial of offenders ; Recovery of penalties and fees ; Interpretation.*] *Rep. Act VI of 1884.*

SCHEDULES A AND B.

(*Form of Certificate ; Fees.*)

[*Rep. Act VI of 1884.*]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1863, Supplement, p. 383 ; for Report of the Select Committee, *see ibid*, p. 396 ; and for Proceedings in Council, *see ibid*, pp. 406, 422, 483, and *ibid*, 1864, p. 226.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] *See* now the Merchant Shipping Act, 1894 (57 & 58 Vict., cap. 60), Collection of Statutes relating to India, Vol. II.

THE KHOTS LEASES ACT, 1865.

CONTENTS.

PREAMBLE. [*Repealed.*]

Sections.

1 to 36. [*Repealed.*]

37. Leases for period for which settlement guaranteed may be granted to Khots in Ratnagiri and in certain talukas of the Thana Collectorate.

38. Power to fix demands of Khot on tenant at time of survey.
Proviso.

39 to 51. [*Repealed.*]

BOMBAY ACT No. I OF 1865.[1]

[THE KHOTS LEASES ACT, 1865.][1]

[*21st January, 1865.*]

Repealed in part, by Act 12 of 1873 ;

" " " " " 10 of 1876 ;

" " " " Bom. 4 of 1868.

Amended, by Bom. 1 of 1875.

Repealed locally (except sections 37 and 38), by Bom. 5 of 1879.

Sections 37 and 38 repealed (locally), by Bom. 1 of 1880.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide for the survey, demarcation, assessment and administration of lands held under Government, in the Districts belonging to the Bombay Presidency, and for the registration of the rights and interests of the occupants of the same.

PREAMBLE. [*Rep. locally, Bom. V of 1879.*]

1 to 36. [*Rep. locally, Bom. V of 1879.*]

Leases for period for which settlement guaranteed may be granted to Khots in Ratnágiri and in certain tálukás of the Thána Collectorate.

[2]**37.** Whenever, in the Rátnagiri Collectorate and in the Raigarh, Rajpuri and Sánksi tálukás of the Thana Collectorate, the Survey Settlement is introduced into villages or estates held by Khots, it shall be competent for the Superintendent of Survey or Settlement Officer, with the sanction of the [3][Provincial Government], to grant the Khot a lease for the full period for which the settlement may be guaranteed, in place of the annual agreements under which such villages have hitherto been held, and, further, the provisions of section 36[4] in respect to the right of permanent occupancy at the expiration of a settlement lease shall hold good in regard to those villages or estates.

Power to fix demands of Khot on tenant at time of survey.

[5]**38.** It shall also be competent to such officer, with the sanction of the [3][Provincial Government], to fix the demands of the Khot on the tenant at the time of the general survey of a District, and the terms thus fixed shall hold good for the period for which the settlement may be sanctioned.

Proviso.

But this limitation of demand on the tenant shall not confer on him any right of transfer by sale, mortgage or otherwise, where such did not exist before, and shall not affect the right of the Khot to the reversion of all lands resigned by his tenant during the currency of the general lease.

39 to 51. [*Rep. locally, Bom. V of 1879.*]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1864, Supplement, p. 285; for Report of the Select Committee, *see ibid*, p. 364; and for Proceedings in Council, *see ibid*, pp. 268, 554, 568 and 624.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

Bom. I of 1865 was declared applicable to towns and cities by Bom. 4 of 1868, which, however, has been repealed by the Bombay Land Revenue Code, 1879 (Bom. 5 of 1879), in areas in which that Code is in force.

[2] Sections 37 and 38 of Bom. 1 of 1865 are repealed so far as they apply to any village in the Ratnágiri or the Kolaba District to which the Khoti Settlement Act, 1880 (Bom. 1 of 1880), extends or is extended.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] Section 36 was repealed (locally) by the Bombay Land Revenue Code, 1879 (Bom. 5 of 1879.)

[5] Sections 37 and 38 of Bom. 1 of 1885 are repealed so far as they apply to any village in the Ratnagiri or the Kolaba District to which the Khoti Settlement Act, 1880 (Bom. 1 of 1880), extends or is extended.

THE ACT FOR AVOIDING WAGERS (AMENDMENT) ACT, 1865.

CONTENTS.

PREAMBLE.

Sections.

1. Contracts declared null and void.
   No suit allowed on such contracts.
2. Nor for commission or brokerage, etc., in respect of agreements by way of gaming or wagering.
3. Payments for which guardian and personal representative not to be allowed credit.
4. [*Repealed.*]
5. [*Repealed.*]

BOMBAY ACT No. III OF 1865.[1]

[THE ACT FOR AVOIDING WAGERS (AMENDMENT) ACT, 1865.][1]

[*31st July, 1865.*]

Repealed in part, by Act 16 of 1895;

" " " " Bom. 3 of 1886.

An Act to amend [2]Act XXI of 1848 (for avoiding wagers).

WHEREAS it is expedient, so far as regards the Presidency of Bombay, to amend Act XXI of 1848 (*for avoiding wagers*); It is enacted as follows:— Preamble.

1. All contracts, whether by speaking, writing or otherwise, knowingly made to further or assist the entering into, effecting or carrying out agreements by way of gaming or wagering and all contracts by way of security or guarantee for the performance of such agreements or contracts shall be null and void; and no suit shall be allowed in any Court of Justice for recovering any sum of money paid or payable in respect of any such contract or contracts, or any such agreement or agreements as aforesaid. Contracts declared null and void. No suit allowed on such contracts.

2. No suit shall be allowed in any Court of Justice for recovering any commission, brokerage, fee or reward in respect of the knowingly effecting or carrying out, or of the knowingly aiding in effecting or in carrying out, or otherwise claimed or claimable in respect of, any such agreement by way of gaming or wagering or any such contract as aforesaid, whether the plaintiff in such suit be or be not a party to such last mentioned agreement or contract, or for recovering any sum of money knowingly paid or payable on account of any persons by way of commission, brokerage, fee or reward in respect of any such agreement by way of gaming or wagering or contract as aforesaid. Nor for commission or brokerage, etc., in respect of agreements by way of gaming or wagering.

3. No guardian, executor, administrator, heir or personal representative of any deceased person shall be entitled to or allowed credit in his accounts for or in respect of any payment by him on behalf of such deceased person (or in the case of a guardian, on behalf of any minor), in respect of any such agreement or agreements as are mentioned in section 1 of [2]Act XXI of 1848 or in respect of any such contract or contracts, commission, brokerage, fee or reward, or money paid or payable in respect thereof as are respectively mentioned in the first and second sections of this Act. Payments for which guardian and personal representative not to be allowed credit.

4. [*Construction of Act.*] *Rep. Act XVI of 1895.*

5. [*Number and gender.*] *Rep. Bom. III of 1886.*

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1863, Supplement, p. 420; for Report of the Select Committee, *see ibid*, p. 485; and for Proceedings in Council, *see ibid*, pp. 407, 452, 505, and *ibid*, 1864, pp. 407 and 507.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] Act 21 of 1848 was repealed by the Indian Contract Act, 1872 (9 of 1872), s. 1 but see the saving in that section, Central Acts.

THE RELIGIOUS ENDOWMENTS (EXTENSION TO KANARA) ACT, 1865.

CONTENTS.

PREAMBLE.

Sections.

1. Act XX of 1863 extended to Kanara.
2. Notice of appointment of committee.
3. Interpretation.

BOMBAY ACT No. VII OF 1865.[1]

[THE RELIGIOUS ENDOWMENTS (EXTENSION TO KANARA) ACT, 1865.][1]

[*5th December, 1865.*]

An Act to extend the provisions of Act of the Governor General of India in Council No. XX of 1863,[2] to the district of Kanara in the Bombay Presidency.

WHEREAS it is expedient to extend the provisions of Act No. XX of 1863[2] (*An Act to enable the Government to divest itself of the management of religious endowments*) to the district of Kanara in the Bombay Presidency; It is enacted as follows :— Preamble.

1. The provisions of Act No. XX of 1863[2] are hereby extended to the district of Kanara in the Bombay Presidency. Act XX of 1863 extended to Kanara.

2. A notice of the appointment of the committee referred to in section VII of Act XX of 1863[2] shall, if posted at the mamlatdar's office, be equivalent to a notification of such appointment in the Official Gazette. Notice of appointment of committee.

3. The words "Board" and "Board of Revenue", as used throughout Act XX of 1863[2] shall, for the purposes of this Act, be held to mean the Revenue Commissioner of the Division. Interpretation

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1865, Supplement, p. 239, and for Proceedings in Council, *see ibid*, pp. 278 and 313.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] The Religious Endowments Act, 1863 (20 of 1863), Central Acts.

THE BOMBAY HINDU HEIRS' RELIEF ACT, 1866.

CONTENTS.

PREAMBLE.

Sections.

1. Hindu son or grandson not liable as such for debt of ancestor.
2. Heir to be liable as representative of deceased ancestor only to extent of assets received.

   Liability in respect of assets received and not applied.
3. [*Repealed.*]
4. Husband of Hindu widow not liable for debt of deceased former husband.
5. Liability of member of undivided Hindu family for family debts contracted during his minority.
6. Saving of liability of surviving member of undivided Hindu family.
7. Interpretation.
8. [*Repealed.*]
9. Short title.

BOMBAY ACT No. VII OF 1866.[1]

[THE BOMBAY HINDU HEIRS' RELIEF ACT, 1866.]

[*31st May, 1866.*]

Repealed in part, by Act 12 of 1873;
" " " " Bom. 3 of 1886.

An Act to limit the liability of a son, grandson or heir of a deceased Hindu for the debts of his ancestor, and the liability of the second husband of a Hindu widow for the debts of her deceased husband, and otherwise to amend the law of debtor and creditor.

Preamble.

WHEREAS, according to the law in force, as applied to Hindus by the High Court of Judicature at Bombay in the exercise of its ordinary original civil jurisdiction, no son or grandson of a deceased Hindu is liable for the debts of his ancestor merely by reason of his being such son or grandson, and no son, grandson or other heir of a deceased Hindu, who has received assets of the deceased, is merely from that circumstance liable for the debts of his ancestor beyond the amount of the assets received, and no person marrying a Hindu widow is liable in consequence of such marriage for the debts of her former or any prior deceased husband;

and whereas a different law is applied to Hindus by the Civil Courts which exercise jurisdiction in places beyond the local limits of the ordinary original civil jurisdiction of the said High Court, and it is expedient to amend the law as applied by such other Courts, and to make the law in that respect uniform throughout the Presidency of Bombay;

and whereas it is also expedient to limit the liability of a Hindu for a family-debt contracted when he was unborn or under twenty-one years of age;

It is hereby enacted and declared as follows:—

Hindu son or grandson not liable as such for debt of ancestor.

1. No son or grandson of a deceased Hindu shall, merely by reason of his being such son or grandson, be liable to be sued for any of the debts of such deceased Hindu.

Heir to be liable as representative of deceased ancestor only to extent of assets received.

2. No son, grandson or heir of a deceased Hindu, who has by himself or his agent received or taken possession of any property belonging to the deceased, shall be liable personally for any of the debts of the deceased, merely by reason of his having so received or taken possession of any such property; but the liability of such son, grandson or heir, in respect of such debts, shall be as the representative of such deceased Hindu and shall be limited to paying the sum out of and to the extent of the property of the deceased which such son, grandson or heir or any other person, by his order or to his use, has received or taken possession of as aforesaid, and which remains unapplied:

Liability in respect of assets received and not applied.

Provided that, if any part of such property so received or taken possession of as aforesaid shall not have been duly applied by such son, grandson or heir, he shall be liable personally for such debts to the extent of the property not duly applied by him.

3. [*Pending suits.*] *Rep. Act XII of 1873.*

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1866, Supplement, p. 320; for Report of the Select Committee, *see ibid*, p. 357; and for Proceedings in Council, *see ibid*, pp. 330, 352, 372 and 373.

Husband of Hindu widow not liable for debt of deceased former husband.

4. No person who has married a Hindu widow shall, merely by reason of such marriage, be liable for any of the debts of any prior deceased husband of such widow * * * *[1].

Liability of member of undivided Hindu family for family debts contracted during his minority.

5. Where a debt is contracted after this Act shall come into operation by one or more members of an undivided Hindu family, under such circumstances as that the same forms the debt of the undivided family, no member of such undivided family, who is unborn or under the age of twenty-one years at the time of the contracting of such debt, shall be liable personally to pay the same, but such member shall only be liable to pay the same out of and to the extent of the property of the undivided Hindu family and of the separate property, if any, belonging to any deceased members of the undivided family who were above the age of twenty-one years at the time of the contracting the same, received or taken possession of by such member or any other person by his order or to his use and remaining unapplied, unless any part of such property so received or taken possession of as aforesaid shall not have been duly applied by such member, in which case he shall be further liable personally for such debt to the extent of the property not duly applied by him.

Saving of liability of surviving member of undivided Hindu family.

6. Except as provided in section 5 [2]* * *, nothing in this Act contained shall be construed as limiting or affecting the liability of any person as surviving member or one of the surviving members of an undivided Hindu family for any debt contracted under such circumstances as that the surviving member or surviving members of such undivided family is or are by the law now in force liable to pay the same.

Interpretation.

7. The term "debts," as used in this Act, shall be construed to include all liabilities arising out of any claims which could or might be enforced against a deceased Hindu himself if living, and for which a suit would lie against his representative. [3]* * *

8. [*Commencement of Act.*] *Rep. Act XII of 1873.*

Short title.

9. This Act may be cited for all purposes as the Bombay Hindu Heirs' Relief Act, 1866.

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[1] The rest of section 4 which was as follows:—"and the provisions of this section may be used as a defence by any such person who shall be defendant in a suit which may be pending at the time when this Act comes into operation, and in which it is sought to make such person liable for any such debts merely by reason of his having married such Hindu widow and in which suit judgment shall not have been pronounced before this Act comes into operation; and with regard to the costs of any suit to which the provisions of this section shall apply, the same shall be dealt with by the Court which makes the decree in the suit, in the same way as such costs would have been dealt with had a decree been made in such suit before this Act had come into operation" was repealed by the Repealing Act, 1873 (12 of 1873).

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been reprinted as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[3] The rest of section 7 which was as follows:—"and unless there be something in the context or subject repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number and words importing the masculine gender shall include females" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

THE EDULABAD AND WARANGAON PARGANAS LAWS ACT, 1866.

CONTENTS.

PREAMBLE. [*Repealed.*]

Sections.

1. [*Repealed.*]

2. [*Repealed.*]

3. Privileges and exemptions of certain persons of rank.

4. [*Repealed.*]

BOMBAY ACT No. XIV OF 1866.[1]

[THE EDULABAD AND WARANGAON PARGANAS LAWS ACT, 1866.]

[*7th December, 1866.*]

Repealed in part, by Act 10 of 1876 ;
" " " " " 12 of 1876 ;
" " " " " 16 of 1895.

An Act to bring the parganas of Edulabad and Warangaon under the general Regulations and Acts of the Presidency of Bombay.

PREAMBLE. [*Rep. Act XII of 1876.*]

1. [*Subjection of Parganas Edulabad and Warangaon to Regulations and Acts of Bombay Presidency.*] *Rep. Act XII of 1876.*

2. [*Bar of jurisdiction of Civil Courts in certain cases.*] *Rep. Act X of 1876.*

3. The privileges and exemptions provided in

Privileges and exemptions of certain persons of rank.

sections 3, 4 and 5, Regulation XXIX, A.D. 1827 (*A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkhan and Khandesh*), and

section 5 of Regulation VII, A.D. 1830 (*A Regulation for bringing under the operation of the Regulations the territories comprised in the Southern Maratha Country, belonging to the Honourable Company, and forming the said territories into a zila*), and

Regulation I, A.D. 1831 (*A Regulation for extending the jurisdiction of the Agent of Government, acting under the provisions of section 4, Regulation XXIX of 1827, over suits in which persons of rank of the privileged classes are concerned, and which are now cognizable by the Collectors of land revenue*), and

Regulation XVI, A.D. 1831 (*A Regulation for extending the jurisdiction vested in the Political Agent in the Southern Maratha Country, under the provisions of section 5, Regulation VII, A.D., 1830, to the cognizance of civil suits of the nature specified in Regulation I, A.D. 1831, and also for the better defining the extent of jurisdiction therein conferred with respect to persons of the privileged classes*) [2]* * * *

are applicable in districts now brought under the Regulations and Acts to the persons of rank therein referred to, in the same manner as they are in the rest of Khandesh and the Dekkhan.

4. [*Validation and indemnification.*] *Rep. Act XII of 1866.*

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1886, Supplement, p. 414, and for Proceedings in Council, *see ibid*, pp. 430 and 443.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] The words and figures "as amended by s. 6, Act XIII of 1842 (*an Act to enable the holders of revenue which has been alienated to them by the State to collect that revenue within the Presidency of Bombay*)" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

THE BOMBAY CITY SANITARY REGULATION ACT, 1867.

CONTENTS.

PREAMBLE.

Sections.

1. Establishment of sanitaria.
   Appointment of establishment.
2. Appointment of Health Officer of Port.
3. Removal of persons suffering from infectious disease to sanitarium.
   Penalty.
4. Removal by written order of person refusing to proceed to sanitarium.
5. Magistrate, on certificate of medical officer, to make requisition as in section 3.
   Penalty.
6. Master of vessel to give notice of person suffering on board from infectious disease.
   Penalty.
7. Power to Health Officer to enter vessel and question master or commander.
   Penalty.
8. Master or commander may be required to remove person suffering from infectious disease.
   Penalty.
9. Disinfection of vessels,
   and recovery of expenses and penalties.
10. Detention by Superintendent of person brought into sanitarium until discharged.
11. Power to Government to make and publish rules.
    Penalty.
12. Power to determine what diseases are infectious.
13. Power to authorize any person to exercise powers of Health Officer.
14. Power to make special orders in special cases.
    Penalty.
15. [*Repealed.*]

SCHEDULE A.

SCHEDULE B.

*BOMBAY ACT No. VI OF 1867.[1]

[THE BOMBAY CITY SANITARY REGULATION ACT, 1867.][1]

[*28th December, 1867.*]

Repealed in part, by Bom. 3 of 1886.
,, ,, ,, ,, Act 38 of 1920.
Amended by Act 16 of 1895.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Repealed in part, by Act 32 of 1940.

An Act for the better sanitary regulation of the City of Bombay.

WHEREAS it is expedient to take measures to check the spread of infectious diseases dangerous to life in the City of Bombay, and especially with reference to vessels arriving at, or being within the limits of, the port of Bombay; It is enacted as follows :— Preamble.

1. It shall be lawful for [2][the Provincial Government], with a view of providing for the segregation of persons suffering from any infectious disease dangerous to life from time to time to establish, by notification for the purposes hereinafter specified, one or more places to serve as sanitaria for the City of Bombay, and to notify the local limits of such sanitaria. Establishment of sanitaria.

And it shall be lawful for [2][the Provincial Government] [3]* * * to appoint a superintendent of each sanitarium, with such establishment as may be necessary. Appointment of establishment.

2. It shall be lawful for [4][the Central Government] to appoint a Health Officer of the port for the purposes of this Act, and the Health Officer of the port shall be an assistant to, and subject to the general control of, the consulting officer of health. Appointment of Health Officer of Port.

3. When it shall appear to the consulting officer of health, or in his absence to the Health Officer of the port, that any person in the City of Bombay, being in the public streets or thoroughfares, or in a place of public resort, such as dharmsalas, temple-enclosures and the like, and without proper lodging or accommodation, or being on board any vessel and without proper lodging or accommodation on shore, is suffering from an infectious disease dangerous to life, and that it is necessary for the safety of the public that he should be removed to a sanitarium, Removal of persons suffering from infectious disease to sanitarium.

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* So much of this Act as relates to any matter included in the Federal Legislative List has been repealed by Act 32 of 1940, s. 2, Sch. I.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1866, Supplement, p. 386; for first Report of the Select Committee, *see ibid*, 1867, Pt. V, p. 31; for second Report of the Select Committee, *see ibid*, 1867, Pt. V, p. 74, and for Proceedings in Council, *see ibid*, 1866, Supplement, p. 392, and *ibid* 1867, Pt. V, pp. 11, 40 and 96.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "acting under the general control of the Government of India" were repealed by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[4] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

either of the said officers of health may require such person to proceed to a sanitarium, and the person so required shall be bound to proceed or allow himself to be conveyed to that sanitarium, and shall be bound to remain there till one of the said officers of health certifies that he may go at large without danger to the public.

Penalty.

Any such person refusing or voluntarily neglecting to obey such requisition shall be liable to the penalties provided in section 269 of the [1]Indian Penal Code. XLV of 1860.

Removal by written order of person refusing to proceed to sanitarium.

4. If any such person shall refuse or voluntarily neglect to proceed to the sanitarium when duly required in the manner described in the last preceding section, the consulting officer of health, or in his absence the Health Officer of the port, may, by a written order in the form given in [2][Schedule A], direct that such person be conveyed to a sanitarium, and such written order, signed by one of the said officers of health, shall be sufficient warrant for the conveyance of such person to the sanitarium.

Magistrate, on certificate of medical officer, to make requisition as in section 3.

5. It shall be lawful for any Magistrate of Police, on the certificate of [3][a medical officer who is a convenanted servant of the Crown], or of any member or licentiate of any college of physicians or surgeons of the United Kingdom or of India, as to the nature of the disease, and on such evidence as may be thought by him sufficient in regard to the other conditions recited in section 3 * *[4] to make requisition as in the said section, and any person refusing or voluntarily neglecting to obey such requisition shall be liable to the penalties provided in section 269 of the [1]Indian Penal Code. XLV of 1860.

Penalty.

Master of vessel to give notice of person suffering on board from infectious disease.

6. When the master or commander of any vessel, being within the limits of the port of Bombay, shall become aware that any person on board his vessel is suffering from any infectious disease dangerous to life, he shall immediately give notice to the Health Officer of the port, and, pending the orders of the Health Officer of the port, he shall either remove such person to a sanitarium, or take other suitable precautions to prevent the spread of the disease.

Penalty.

If the master or commander shall wilfully neglect to act as directed in this section, he shall be liable to the penalties provided in section 269 of the [1]Indian Penal Code XLV of 1860.

Power to Health Officer to enter vessel and question master or commander.

7. It shall be lawful for the consulting officer of health or for the Health Officer of the port at any time to enter into and inspect any vessel being within the limits of the port of Bombay, and to question the master or commander regarding the sanitary condition of the vessel and of the persons on board, and the master or commander shall be bound truthfully to answer such questions.

Penalty.

And, if the master or commander shall wilfully give false information to either of the said officers, he shall be liable to the penalties provided in section 177 of the Indian Penal Code; and, if he shall refuse to answer questions put to him, he shall be liable to the penalties provided in section 179 of the [1]Indian Penal Code. XLV of 1860.

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[1] Central Acts.

[2] This word and letter were substituted for the words "appended Schedule" by the Amending Act, 1895 (16 of 1895).

[3] The words "a medical officer who is a convenanted servant of the Crown" were substituted for the words "a convenanted medical officer of Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904.)

8. If it shall appear to the consulting officer of health or the Health Officer of the port that any person on board a vessel within the limits of the port of Bombay is suhering from any infectious disease dangerous to life, he may, [1][by an order in writing in the form given in Schedule B], require the master or commander of the vessel to remove such person, or any other person who shows premonitory symptoms of such disease, to a sanitarium or other place on shore where, in the opinion of the Health Officer, proper lodging and accommodation are available; and the master or commander shall be bound to obey such requisition and is hereby authorized and empowered to enforce such removal. Master or commander may be required to remove person suffering from infectious disease.

And, if the master or commander shall refuse or wilfully neglect to obey such requisition, he shall be liable to the penalties provided in section 269 of the [2]Indian Penal Code. Penalty.

XLV of 1860

9. When it shall appear to the Health Officer of the port that, owing to a person suffering from an infectious disease dangerous to life being on board or having recently been on board any vessel within the limits of the port of Bombay, it is expedient that measures should be taken for the disinfection of such vessel, the said Health Officer may, by an order in writing to the master or commander of such vessel, direct all or any part of the vessel to be forthwith fumigated or otherwise cleansed for sanitary purposes, in accordance with rules published on that behalf by [3][the Central Government] under section 11 [4]* * *; Disinfection of vessels.

and if the master or commander neglect to do so within the period fixed in the said order, provided such period be not less than twenty-four hours from the time when such order shall have been served upon him, the said Health Officer may cause the same to be done, and the expenses incurred shall be paid by the owner or the master on demand, and, if not so paid, shall be recovered in the manner provided in section 55 of [5]Act XXII of 1855 (*An Act for the regulation of Ports and Port Dues*) for the recovery of penalties imposed under that Act. and recovery of expenses and penalties.

10. It shall be lawful for the Superintendent of the sanitarium, and it shall be his duty, to detain in the sanitarium under his charge all persons who shall come or be brought to such sanitarium under section 3, 4, 6, or 8, until they shall be discharged under a certificate to be granted under rules made by [6][the Provincial Government] under section 11 [4]* * *. Detention by Superintendent of person brought into sanitarium until discharged.

11. It shall be lawful for [6][the Provincial Government] from time to time to make and publish general rules for the proper management and discipline of sanitaria established under this Act, and for the disinfection or destruction of the personal property of persons suffering or who have recently suffered Power to Government to make and publish rules.

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[1] These words and letter were inserted by the Amending Act, 1895 (16 of 1895).

[2] Central Acts.

[3] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[5] *See* now the Indian Ports Act, 1908 (15 of 1908).

[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

from any infectious disease dangerous to life, [1]* * * * * *, and from time to time to alter or repeal such rules. [2][It shall be lawful for the Central Government from time to time to make and publish general rules for the disinfection and cleansing of vessels on board of which there are, or recently have been, persons suffering, or who have recently suffered, from any infectious disease dangerous to life, and from time to time to alter or repeal such rules.].

Penalty.

Any person who shall disobey [3][any rules made under this section] shall be liable to the penalties provided in section 271 of the [4]Indian Penal Code : XLV of 1860.

Power to determine what diseases are infectious.

12. It shall be lawful for [5][the Provincial Government] from time to time to determine by notification what diseases shall, for the purposes of this Act, be held to be infectious diseases dangerous to life :

[6][Provided that the Central Government may, if it thinks fit, by notification make separate provision determining what diseases shall for the purposes of the provisions of this Act relating to vessels within the limits of the port of Bombay be held to be infectious diseases dangerous to life].

Powers to authorize any person to exercise powers of Health Officer.

13. It shall be lawful for [7][the appropriate Government], when necessary, to authorize any one or more persons to exercise all or any of the powers conferred by this Act on the consulting officer of health or on the Health Officer of the port :

Provided that every such person shall be [8][a medical officer who is a covenanted servant of the Crown, or be] a member or licentiate of any college of physicians or surgeons of the United Kingdom or of India, and shall exercise these powers subject to the general control of the consulting officer of health.

[2][In this section "the appropriate Government" means, in relation to the consulting officer of health, the Provincial Government and, in relation to the Health Officer of the Port, the Central Government.]

Power to make special orders in special cases.

14. Whenever it shall appear to [5][the Provincial Government] that, owing to the expected introduction of any infectious disease dangerous to life, or owing to other exceptional circumstances, the ordinary precautions authorized by this Act are insufficient to prevent the spread of such disease, it shall be lawful for [5][the Provincial Government], by notification, to make such orders, and from time to time to vary the same, as it shall deem expedient, for the enforcement of sanitary measures with respect to any vessel arriving at, or being within the limits of, the port of Bombay, or in regard to any persons on board any such vessel, or their personal property.

Penalty.

And any person disobeying such orders or any of them shall be liable to the penalties provided in section 271 of the [4]Indian Penal Code. XLV of 1860

15. [*Interpretation.*] *Rep. Bom. III of 1886.*

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[1]The words "and for the disinfection and cleansing of vessels on board of which such persons are or recently have been", were omitted by the Adaptation of Indian Laws Order in Council.

[2]These words were inserted, *ibid.*

[3]The words "any rules made under this section" were substituted for the words "such rules or any of them", *ibid.*

[4]Central Acts.

[5]The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6]This proviso was inserted, *ibid.*

[7]The words "the appropriate Government" were substituted for the word "Government", *ibid.*

[8]The words "a medical officer who is a convenanted servant of the Crown, or be" were substituted for the words "a covenanted medical officer of Government, or", *ibid.*

SCHEDULE A.

To

WHEREAS *A*, *B*, being a person without proper lodging or accommodation in the City of Bombay, is suffering from an infectious disease dangerous to life, and it is necessary for the safety of the public that he should be removed to a sanitarium; and whereas, having been required to proceed to such sanitarium, he has neglected to do so; you are hereby authorized, with such assistance as you may require, to convey him, under section 4 of Act VI of 1867, to , and this shall be your warrant for so conveying him.

Consulting Officer of Health, or Health Officer of the Port.

SCHEDULE B.

To

The Master or Commander of Vessel .....

(*Name.*)

WHEREAS *A*, *B*., at present on board the vessel.....within the limits of the Port of Bombay, is suffering from an infectious disease dangerous to life [or shows premonitory symptoms of a disease dangerous to life (*as the case may be*)], these are to require you to remove the said *A*, *B*, to [*here designate the sanitarium or other place on shore where, in the opinion of the consulting officer of health or Health Officer of the port, proper lodging and accommodation are available*] and for enforcing the said removal, this shall be your sufficient warrant.

Consulting Officer of Health, or Health Officer of the Port.

THE BOMBAY DISTRICT POLICE ACT, 1867.

CONTENTS.

PREAMBLE.

Sections.

1—32. [*Repealed.*]

33. Common nuisances.

34. Removal of prickly-pear or other nuisance from waste-land of town or village.

35—47. [*Repealed.*]

BOMBAY ACT No. VII OF 1867.[1]

[THE BOMBAY DISTRICT POLICE ACT, 1867.][1]

[*28th December, 1867.*]

Repealed in part and amended, by Bom. 3 of 1886.

Repealed (save sections 33 and 34), by Bom. 4 of 1890.

Sections 33 and 34 repealed locally and temporarily, by Bom. 1 of 1889.

Sections 33 and 34 repealed locally and temporarily, by Bom. 6 of 1933.

An Act for the regulation of the District Police in the Presidency of Bombay.

WHEREAS it is expedient to establish regulations for the administration of the Police of the Presidency of Bombay; It is enacted as follows :— Preamble.

1. [*Rep. Bom. IV of 1890.*]

2. [*Rep. Act 12 of 1873.*]

3 to 32. [*Rep. Bom. IV of 1890.*]

[2]33. Any person

who on any public thoroughfare, without the permission of a Magistrate or Municipal Commissioner, constructs any booth, shed, stable or the like, or lays down any stones or building material; or Common nuisances.

who within the limits or site of any town or village, without sufficient cause, wilfully allows to accumulate any offensive matter in cesspools, dung-heaps or the like, so as to cause annoyance to the neighbouring residents or to passengers; or

who, without sufficient cause, wilfully allows any offensive matter to issue on to any public thoroughfare from any house, factory, stable, privy or the like; or

who deposits the bodies of dead animals, or refuse or filth of any description either in channels which in the rainy season feed any tank or reservoir set apart for drinking, or in other places where to deposit such is offensive to the community; or

who, in disregard of established rules or the order of a Magistrate, stacks or stores grass or other inflammable material within fifty yards of a dwelling-house, out-house or other buildings; or fails to remove the same when so stacked or stored; or

who disobeys the order of a Magistrate given in respect to land in or near towns, villages or dwelling-places, or in or near public roads and thoroughfares, for the pruning of hedges, or for the pruning or removal of overgrown prickly-pear or other vegetation, the unchecked growth of which is likely to be injurious to health;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1867, Pt. V, p. 61; for Report of the Select Committee, *see ibid*, p. 78, and for Proceedings in Council, *see ibid*, pp. 92, 343 and 358.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] During such time as Pt. II of the Bombay Village Sanitation Act, 1889 (Bom. 1 of 1889), and the rules made thereunder, are in force in any village, ss. 33 and 34 of Bom. 7 of 1867 cease to have any operation therein—*see* Bom. 1 of 1889, s. 3. Except in such villages and the City of Bombay these sections are in force in the rest of the Province of Bombay.

During such time as the Bombay Village Panchayats Act, 1933 (Bom. VI of 1933), and the rules and by-laws made thereunder shall be in operation in any village, ss. 33 and 34 shall cease to have any operation in the said village—*see* Bom. VI of 1933, s. 115 (2).

shall be punishable for every such offence, on conviction before a Magistrate, to the extent of fifty rupees fine, or, in default of payment, to imprisonment not exceeding eight days:

Provided that no person shall be required to prune a hedge below three feet in height and three feet in width.

Removal of prickly-pear or other nuisance from waste-land of town or village.

[1]34. Whenever the removal of prickly-pear or other vegetation or of any nuisance, from the common or waste-land of any town or village shall, in the opinion of a [2][Magistrate of the first class], be necessary, it shall be lawful for the said Magistrate to order such removal by a general notice addressed to all persons having an interest in the said common land, and to the inhabitants of the town or village at large, which notice shall be affixed to the chowree or other principal place of public resort: and if within a reasonable time, being not less than seven days, to be specified in the said notice, the order be not carried out, the Magistrate may cause the vegetation or nuisance to be removed, and on the requisition of the said Magistrate the cost of the removal shall be assessed and levied from the inhabitants in the manner provided in sections 16 and 17 * * *[3].

35 to 47. [*Rep. Bom. IV of 1890.*]

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[1] During such time as Pt. II of the Bombay Village Sanitation Act, 1889 (Bom. 1 of 1889), and the rules made thereunder, are in force in any village, ss. 33 and 34 of Bom. 7 of 1867 cease to have any operation therein—*see* Bom. 1 of 1889, s. 3. Except in such villages and the City of Bombay these sections are in force in the rest of the Province of Bombay.

During such time as the Bombay Village Panchayats Act, 1933 (VI of 1933), and the rules and by-laws made thereunder shall be in operation in any village, ss. 33 and 34 shall cease to have any operation in the said village—*see* Bom. VI of 1933, s. 115(2).

[2] These words were substituted for the words "Full-Power Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[3] The words "of this Act" were repealed, *ibid.*

THE BOMBAY VILLAGE POLICE ACT, 1867.

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24. Short title.

Phone?
M. R. Pattanshetti,
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BOMBAY ACT No. VIII OF 1867.[1]

[THE BOMBAY VILLAGE POLICE ACT, 1867.]

[*21st December, 1867.*]

Repealed in part by Act 12 of 1873;
" " " " " 12 of 1876;
" " " " Bom. 3 of 1886;
" " " " " 28 of 1949.
Repealed in part (locally and temporarily), by Bom. 1 of 1889.
Amended, by Bom. 1 of 1876; Bom. 3 of 1886 (as amended by Bom. 1 of 1891); Bom. 4 of 1905; Bom. 3 of 1915 and Bom. 9 of 1925.
Supplemented, by Bom. 4 of 1890.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 17 of 1945.*
Amended by Bom. 18 of 1947.

An Act for the regulation of the Village-police in the Presidency of Bombay.

WHEREAS it is expedient to provide for the regulation of the Village-police in the Presidency of Bombay; It is enacted as follows:— Preamble.

1. The terms [2]* *, "District Superintendent" and "Assistant Superintendent of Police", "Police-officer" and "District-police", when used in this Act, mean those constituted under the Bombay District Police [3][Acts, 1867 and 1890]. Interpretation clause.

Bom. Acts VII of 1867 and IV of 1890.

2. [*Repeal of enactments.*] *Rep. Act XII of 1873.*

3. The administration of the village-police throughout each district shall, under the control and direction of the Commissioner [4]* *, be exercised by the Magistrate of the district, who may, with the sanction of the Commissioner [4]* *, delegate any portion thereof to any Magistrate with full powers having also revenue charge as an Assistant or Deputy Collector. Administration, control and direction of village-police, in whom vested.

4. It shall be lawful for the Magistrate of a district, with the sanction of the Commissioner [4]* *, to depute to the District Superintendent of Police any authority which may be exercised by the Magistrate of a district for the purposes of police over any village-police-officer. Power to depute to District Superintendent authority over village-police-officer.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1867, Pt. V, p 66; for Report of the Select Committee, *see ibid*, p. 78, and for Proceedings in Council, *see ibid*, pp. 94 and 358.

* This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

[2] The words "Commissioner of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), as amended by Bom. 1 of 1891, s. 2 (*a*) (*i*). Both these Acts are now however themselves repealed; but *see* Schedule B to Bom. 3 of 1886, which is printed as an Appendix to the Bombay General Clauses Act, 1904.

[3] These words and figures were substituted for the word and figures "Act, 1867" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), as amended by Bom. Act I of 1891, s. 2 (*a*) (*i*).

[4] The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom 3 of 1886). Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

Village-police in villages under charge of Police-Patel.

5. (*1*) The village-police in each village shall be under the charge of such person as the [1][Provincial Government] shall [2]* * appoint in writing to be Police-pátel, and unless the [3][Provincial Government] [4]* *, owing to the size of the village or other good cause, see fit to separate the appointments, the [1][Provincial Government] shall appoint the person conducting the duties of Revenue-pátel to be Police-pátel.

Appointment of Police-pátel.

(*2*) In making the appointment, the [5][Provincial Government] shall have due regard to the provisions [6]* * * in force for regulating the services of hereditary officers, so far as the same may be applicable; but, when the Revenue-patel is not appointed Police-patel, and more persons than one claim by reason of hereditary right to perform the duties, in rotation or otherwise, it shall be lawful for the [1][Provincial Government] to appoint the most fit from among their number.

Police-pátels may be appointed for different divisions of town or place.

(*3*) In any town or place in which the duties cannot be efficiently performed by one Police-patel, the [1][Provincial Government] may, [7]* * * * * * * * * * * [4]* *, appoint a sufficient number of Police-pátels for the different divisions of the town or place.

Duties of Police-pátel.

6. The Police-patel shall, subject to the orders of the Magistrate of the district, act under the orders of the Magistrate within whose local jurisdiction his village is situated, whom he shall furnish with any returns or information called for, and keep constantly informed as to the state of crime and all matters connected with the village-police, the health and general condition of the community in his village.

He shall also afford all Police-officers every assistance in his power when called upon by them for assistance in the performance of their duty.

He shall further promptly obey and execute all orders and warrants issued to him by a Magistrate or Police-officer, shall collect and communicate to the District-police intelligence affecting the public peace, shall prevent within the limits of his village the commission of offences and public nuisances, and shall detect and bring offenders therein to justice.

Authority over village servants.

7. The Police-patel shall have authority to require all village-servants, in whatever capacity ordinarily employed, to aid him in performing the duties entrusted to him; and it shall be the duty of the village-revenue-accountant, whether hereditary or stipendiary, to frame all written returns and proceedings for the Police-patel.

Precautions against robbery, etc.

8. The Police-patel shall dispose of the village-establishment so as to afford the utmost possible security against robbery, breach of the peace and acts injurious to the public and to the village-community, and shall report to the Magistrate to whose jurisdiction he is immediately subordinate all instances of misconduct or neglect committed by any member of the said establishment.

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[1] The words "Provincial Government" were substituted for the words "Magistrate of the district" by the Adaptation of Indian Laws Order in Council.

[2] The words "subject to the approval of the Commissioner" were omitted by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[3] The words "Provincial Government" were substituted for the word "Commissioner" by the Adaptation of Indian Laws Order in Council.

[4] The words "of Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[5] The words "Provincial Government" were substituted for the words "said Magistrate" by the Adaptation of Indian Laws Order in Council.

[6] The words and figures "of Act XI of 1843 (*an Act for regulating the service of Hereditary Officers under the Presidency of Bombay*), or other Acts" were repealed by the Repeal Act, 1876 (12 of 1876).

[7] The words "with the consent of the Commissioner" were omitted by the Adaptation of Indian Laws Order in Council.

[1][9. Any Police-patel or member of a village-establishment liable to be called on for the performance of Police-duties who shall be careless or negligent in the discharge thereof shall be liable to be fined under the order of any Magistrate of the first class to any amount not exceeding the fourth part of the annual emoluments of his office. **Penalties for neglect of duty etc.**

If he shall be accused of any violation of duty or breach of rule, or of other misconduct which shall seem to such Magistrate to require a heavier punishment, he may suspend him from office during inquiry into such accusation, and at the close of such inquiry, if the said Magistrate shall consider him guilty of misconduct meriting such punishment, he may suspend him from office for a further period not exceeding six months, or dismiss him: [2][Provided that no person of the rank of patel, if he is an officiator under the provisions of the Bombay Hereditary Offices Act, shall be dismissed under this section without the sanction of [3][the Provincial Government].] Bom. III of 1874.

[4][9A. Nothing in the last preceding section shall affect the liability of any Police-patel or other member of a village-establishment to a criminal prosecution for any offence with which he may be charged. **Liability to criminal prosecution not affected.**

Any Magistrate of the first class may suspend any person subjected to any such prosecution pending the inquiry and trial.] **Power to suspend during trial.**

10. If a crime shall have been committed within the limits of the village, and the perpetrator of the crime has escaped or is not known the Police-patel shall forward immediate information to the Police-officer in charge of the District Police-station within the limits of which his village is situated, and shall himself proceed to investigate the matter, obtaining all procurable evidence relating to it which he shall forward to the said officer. **Information to officer in charge of District Police-station when criminal in village has escaped or is not known.**

11. (*1*) If any unnatural or sudden death occur, or any corpse be found, within the bounds of any village, the Police-patel shall forthwith assemble an inquest, to be composed of two or more intelligent persons belonging to the village or neighbourhood, who shall investigate the causes of death and all the circumstances of the case, and make a written report of the same, which the Police-patel shall cause to be forthwith delivered to the Police-officer in charge of the District Police-station within the limits of which the village is situated. **Inquest in cases of unnatural or sudden death, or corpse found within village.**

(*2*) Any person who, on being called upon by the Police-patel to serve as a member of such inquest, shall without justifiable cause refuse or neglect to do so, shall be liable, on conviction before a Magistrate, to punishment not exceeding fifty rupees fine, or, in default of payment, to imprisonment for one month. **Punishment for refusing or neglecting to serve on inquest.**

(*3*) If the results of the inquest afford reason for supposing that death has been unlawfully occasioned, the Police-patel shall give immediate notice to the officer in charge of the District Police-station within the limits of which his village is situated, and, if the corpse can be forwarded without the risk of **Corpse when to be forwarded to nearest Civil Surgeon, etc., for examination.**

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[1] Section 9 was substituted by s. 2 of the Bombay Village Police Act (Amendment) Act, 1876 (Bom. I of 1876).

[2] This proviso was substituted by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] Section 9A was inserted by the Bombay Village Police Act (Amendment) Act, 1876 (Bom. 1 of 1876), s. 3.

putrefaction by the way, shall at once forward it to the nearest Civil Surgeon or other medical officer appointed by [1][the Provincial Government] to examine corpses under such circumstances, who shall endeavour to ascertain the cause of death.

When burning to be delayed till officer in charge of police station assents.

Should the Police-patel be unable to forward the corpse without the risk of putrefaction rendering examination useless or dangerous, he shall nevertheless prevent the burning or burying of such corpse until the Police-officer in charge of the District Police-station within the limits of which his village is situated, or one of his subordinates deputed by him or a Magistrate, shall have assented thereto.

Police-patel to apprehend person he believes has committed serious offence.

12. (*1*) The Police-patel shall apprehend any person within the limits of his village who he may have reason to believe has committed any serious offence, and shall forward such person, together with all articles likely to be useful as evidence, to the Police-officer in charge of the Police-station within the limits of which his village is situated.

Person apprehended to be forwarded to Police-station.

(*2*) Every person so apprehended shall be forwarded within twenty-four hours to the District Police-station within the limits of which the village is situated.

Power to call and examine witnesses, record evidence and search for concealed articles.

13. (*1*) The Police-patel, in making any inquiry coming within the scope of his duty, not being a case in which it is competent for him to inflict punishment, shall have authority to call and examine witnesses, and record their evidence on solemn affirmation, and to search for concealed articles, taking care that no search be made in a dwelling-house between sunset and sunrise without urgent occasion.

Power to enter limits of other villages.

(*2*) He shall also have authority, in carrying out any search or any pursuit of supposed criminals, to enter and act within the limits of other villages, being bound however to give immediate information to the Police-patel thereof, who shall afford him all the assistance in his power, and be immediately responsible for continuing the search and pursuit.

[2]**14.** [*Power to try and punish for petty assault or abuse*]. *Repealed by Bom. 28 of 1949.*

15. [*Magistrate may issue a commission to Police-patel to try certain offenders. Power of patel to punish*]. *Repealed by Bom. 28 of 1949.*

16. [*Power to prohibit, and to punish for beating, etc., animal; bathing, washing in, or defiling, well, etc.; depositing dirt, etc.; committing nuisance, etc.; accumulating offensive matter in cesspools, etc.; allowing offensive matter to issue on thoroughfare; depositing dead bodies so as to corrupt water for drinking*]. *Repealed by Bom. 28 of 1949.*

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Sections 14 to 18 (both inclusive) have been deleted by s. 2 of Bom. 28 of 1949.

Provided that the Chief Presidency Magistrate in the villages specified in Part II of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, (Bom. XVII of 1945) and elsewhere the District Magistrate shall direct that any proceedings pending before any Police-patel under sections 14, 15 and 16 of the said Act on the date on which this Act comes into force shall be decided and disposed of by such subordinate Magistrate as the Chief Presidency Magistrate or the District Magistrate, as the case may be, may specify in this behalf and such subordinate Magistrate shall decide and dispose of any such proceedings in accordance with the provisions of the said Act, as if this Act was not passed and as if he had under the Code of Criminal Procedure, 1898, (V of 1898), taken cognizance of the offence which is the subject matter of such proceedings.

17. [*Proceedings how taken under sections 14, 15 and 16*]. *Repealed by Bom. 28 of 1949.*

18. [*Power to cancel commission issued under section 15*]. *Repealed by Bom. 28 of 1949.*

Unclaimed property.

19. The Police-patel shall take charge of all unclaimed property found within his village, or made over to him under the provisions of the Bombay District Police Act, 1867[1], and shall forthwith make a report to the Magistrate [2]to whom he is subordinate, and act thereafter as he may be directed by the said Magistrate, unless the property be of a description coming within the provisions of Act III of 1857 (*an Act relating to trespasses by cattle*), [3]in which case the Police-patel shall be guided by that enactment.

Bom. VII of 1867.

Prosecution under other Regulations, etc., for offence punishable by Act.

20. Nothing contained in this Act shall be construed to prevent the prosecution of any person under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act :

Provided that no person shall be punished twice for the same offence.

Provision in case of absence, sudden illness, etc., of Police-Patel.

21. In case of the Police-patel being unable to attend to his duty, owing to urgent absence from the village, sudden illness or other cause, he shall place a competent kinsman, or failing a competent kinsman some other competent person, in charge of his office making an immediate report to the Magistrate to whom he is immediately subordinate and the person so placed in charge shall, until the receipt of instructions to the contrary, continue to act for the Police-patel in all his duties [4]* * * *.

"District Police station" defined.

22. The term "District Police-station" in this Act shall include the villages or places within the limits of the charge of a Police-officer in charge of a station.

Application of Act to certain areas with modifications.

[5]23. Notwithstanding anything hereinbefore contained, the provisions of this Act shall apply to the villages specified in Part II of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, subject to the following modifications, namely :—

Bom. XVII of 1945.

(*1*) For section 1, the following shall be substituted, namely :—

"1. *Interpretation clause.*—The expression 'City Police' shall mean the Police force constituted under the City of Bombay Police Act, 1902 (hereinafter referred to as the said Act) and the expressions 'Deputy Commissioner of Police', 'officer in charge of a section' and 'Police officer' shall have the meanings respectively assigned to them in the said Act."

(*2*) For section 3, the following section shall be substituted, namely :—

"3. *Administration, control and direction of village police in whom vested.*—The administration of the village police shall, under the control and direction of the Commissioner, Northern Division, be exercised by the [6][Collector of the Bombay Suburban District] (hereinafter referred to as the said Collector) who may, with the sanction of the Commissioner, Northern Division, delegate any portion thereof to an Assistant or Deputy Collector".

(*3*) Section 4 shall be deleted.

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[1] *Supra.*

[2] As to duty of Magistrate in certain cases, *see* the Bombay District Police Act, 1890 (Bom. 4 of 1890), s. 58.

[3] *See* now the Cattle Trespass Act, 1871, s. 2 Unrepealed Central Acts.

[4] The words "except those which involve the trial and punishment of offenders" were deleted by Bom. 28 of 1949, s. 3.

[5] Section 23 was inserted by Bom. 17 of 1945, s. 9, sch. E read with Bom. 52 of 1947, s. 2, proviso.

[6] The words "Collector of the Bombay Suburban District" were substituted for the words "Collector of Bombay" by Bom. 18 of 1947, s. 2.

(*4*) In section 6—

(*a*) for the words "Magistrate of the district" the words "said Collector" shall be substituted;

(*b*) for the word "Magistrate" where it occurs for the second time the words "Deputy Commissioner of Police" shall be substituted; and

(*c*) for the words "District-police" the words "City police" shall be substituted.

(*5*) In section 8, for the word "Magistrate" the words "Assistant or Deputy Collector, as the case may be," shall be substituted.

(*6*) In section 9—

(*a*) for the words "any Magistrate of the first class", the words "the Assistant or Deputy Collector" shall be substituted; and

(*b*) for the word "Magistrate" wherever it occurs in the second paragraph, the words "Assistant or Deputy Collector" shall be substituted.

(*7*) In section 9A, for the words "Magistrate of the first class" the words "Assistant or Deputy Collector" shall be substituted.

(*8*) In section 10, for the words "Police-officer in charge of the District Police-station" the words "officer in charge of the section" shall be substituted.

(*9*) For section 11 the following shall be substituted, namely:—

"11. *Cases of unnatural or sudden death or corpse found to be reported to officer in charge of section.*—If any unnatural or sudden death occur, or any corpse be found, within the bounds of any village, the Police-patel shall forthwith give notice thereof to the officer in charge of the section within the limits of which his village is situated and shall prevent the burning or burying of such corpse until the Coroner of Bombay has authorised its disposal under sub-section (*2*) of section 8, or given his warrant under section 28 of the Coroners Act, 1871." IV of 1871.

(*10*) In section 12—

(*a*) in sub-section (*1*) for the words "Police-officer in charge of the Police-station" the words "officer in charge of the section" shall be substituted; and,

(*b*) in sub-section (*2*), the word "District" shall be deleted.

(*11*) In sub-section (*1*) of section 15 for the words "Magistrate of a district" the words "said Collector" shall be substituted.

(*12*) In section 17—

(*a*) for the word "Magistrate" where it first occurs, the words "Assistant or Deputy Collector, as the case may be," shall be substituted; and

(*b*) for the words "Magistrate of the district" the words "said Collector" shall be substituted.

(*13*) In section 18, for the words "Magistrate of a district," the words "said Collector" shall be substituted.

(*14*) for section 19, the following shall be substituted, namely:—

"19. *Unclaimed property.*—The Police-patel shall take temporary charge of all unclaimed property found within his village, or made over to him and shall forthwith deliver all such property to the officer in charge of the section in which his village is situated."

(*15*) In section 21, for the word "Magistrate" the words "Assistant or Deputy Collector, as the case may be", shall be substituted.

(*16*) Section 22 shall be deleted.

Short title. **24.** This Act may be cited as the Bombay Village Police Act, 1867.

THE BOMBAY FERRIES ACT, 1868.

CONTENTS.

PREAMBLE.

Sections.

1. [*Repealed.*]
2. Provincial Government may constitute public ferries, establish new and discontinue existing ferries.
2A. Vesting of public ferries in local bodies;
Powers of local bodies in respect thereto.
3. Rates of toll.
Exemption from toll.
4. Appointment and salaries, of toll-keepers, etc.
5. Provincial Government may lease public ferries by public auction or private contract.
6. Acts of servant of contractor.
7. Table of tolls to be hung up.
8. Penalty in respect to table of tolls.
9. Penalty for taking unlawful toll.
10. Penalty for wilful delay.
11. Penalty for refusal or evasion of toll and for obstruction or damage.
12. Officers who may make rules for regulation of public ferries.
13. Penalty for conveying passengers or goods without license at Bombay.
Proviso.
14. [*Repealed.*]
14A. Penalty for conveying passenger, etc., along river, etc. near toll bridge.
14B. Penalty for conveying passengers, etc., in a ferry boat with a submerged load-line or without prescribed free-board.
14C. License required to ply any vessel on any river, etc.
14D. Inspection of vessels and suspension of the license if vessels are not sea-worthy, etc.
14E. Power to prohibit plying of vessels to avert any accident and to requisition vessels, etc.
14F. Penalty for breach of the provisions of the Act, rules, regulations and orders made thereunder and the conditions of the license granted under section 14C.
14G. Both the owner and the person in charge to be liable for any breach.
15. Trial of offences in Bombay;
in places out of city.
Recovery of fines.
16. [*Repealed.*]
17. Provincial Government may delegate powers.
17A. Rules and regulations.
17B. Definition of "vessel".
17C. Provisions of sections 14A to 14G and 17A and 17B not applicable in certain cases.
18. Short title.

SCHEDULE.

BOMBAY ACT No. II OF 1868.[1]

[THE BOMBAY FERRIES ACT, 1868.]

[*17th December, 1868.*]

Repealed in part, by Act 12 of 1873 ;
" " " " " 2 of 1901 ;
" " " " " 38 of 1920 ;
" " " " Bom. 3 of 1886.
Repealed in part (except in the City of Bombay), by Bom. 1 of 1884.
Amended by Bom. 2 of 1878 ;
" " " 8 of 1923 ;
" " " 4 of 1933.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 21 of 1942*.
Amended by Bom. 17 of 1945§.

An Act to amend the law relating to public ferries [2][and inland vessels] in the Presidency of Bombay.

WHEREAS it is expedient to amend the law relating to public ferries [2][and inland vessels] in the Presidency of Bombay ; It is enacted as follows :— Preamble.

1. [*Repeal.*] *Rep. Act XII of 1873.*

2. It shall be lawful for [3][the Provincial Government] to declare by notification what ferries within the Presidency of Bombay shall be deemed public ferries, and also, by notification from time to time, to establish any new public ferry or discontinue any existing public ferry. Provincial Government may constitute public ferries, establish new and discontinue existing ferries.

[4]2A. It shall be lawful for [3][the* Provincial Government] to declare by notification in the [5][Official Gazette] that any public ferry notified under section 2 shall vest in the local body or jointly in the local bodies, exercising authority over the area or areas, as the case may be, in which such ferry is situate and thereafter such local body or bodies shall exercise in respect of such ferry all the powers specified in the Schedule to this Act : Vesting of public ferries in local bodies : Powers of local bodies in respect thereto.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1868, Pt. V, p. 425 ; for Report of the Select Committee, *see ibid*, p. 448, and for Proceedings in Council, *see ibid*, pp. 457, 476 and 582.

The net proceeds of public ferries established under Bom. 2 of 1868, and all penalties inflicted and levied under the Act are to be credited to the Local Fund constituted by the Bombay Local Boards Act, 1923 (Bom. 6 of 1923), *see* s. 75 of that Act.

[2] These words were inserted by Bom. 21 of 1942, s. 2, read with Bom. 55 of 1947, s. 2.

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] Section 2A was inserted by Bom. 8 of 1923, s. 2.

[5] The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

* Sections 2 to 8 of this Act were re-enacted by Bom. 55 of 1947, s. 2.

§ This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Acts have been continued in force by Bom. 52 of 1947, s. 2.

Provided that the power of exemption under clause (*d*) of section 3 shall also be exercisable by [1][the Provincial Government].

Explanation.—For the purpose of this section "local body" means a district local board or a municipality.

Rates of toll.

3. Tolls according to such rates as shall from time to time be approved by [1][the Provincial Government], shall be levied upon all passengers, carts, carriages, cattle and other animals, and on all goods and merchandise, carried over any public ferry;

Exemption from toll.

Provided always that no tolls shall be levied from—

[2](*a*) * * * * *

(*b*) any Police-officer in uniform on duty:

(*c*) any person in the custody of the Police:

[3](*d*) any person whom the [4][Provincial Government] shall, by notification in the [5][Official Gazette], deem fit specially to exempt from payment of such tolls.

Appointment and salaries, of toll-keepers, etc.

4. It shall be lawful for [1][the Provincial Government] to provide for the appointment of toll-keepers, ferrymen and other servants for the management and conduct of any public ferry; and the salaries of such persons shall be defrayed from funds raised under this Act, or from other sources of local revenue, but not from the general [6]* * revenues [6]* *.

Provincial Government may lease public ferries by public auction or private contract.

5. It shall be lawful for [1][the Provincial Government] to lease any public ferry by public auction or private contract, from year to year, or for any longer period not exceeding seven years, on such conditions as [1][the Provincial Government] deems advisable, in which case a contract setting forth the conditions on which the ferry is to be held shall be executed by the contractor or farmer, and security shall be given by him for its due fulfilment, and any pecuniary forfeiture for breach of contract, inserted in the deed of contract or conditions of sale by public auction, as the case may be, may be enforced in the same manner as a demand for the land revenue under the law for the time being in force, so far as applicable.

Acts of servant of contractor.

6. When a public ferry has been duly leased or farmed out,

every servant of the lessee, contractor or farmer shall be deemed to be legally bound to do everything necessary for or conducive to the safety of the public which he shall be required to do by any regulation made by the lessee, contractor or farmer, and approved by [1][the Provincial Government] and of which regulation such servant shall have had notice, and

every such servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such regulation he shall be prohibited from doing, and

every person employed by or on behalf of such lessee, contractor or farmer to do any act upon the ferries shall be deemed to be a servant of the lessee, contractor or farmer.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Clause (*a*) as to soldiers in uniform on duty was repealed by s. 3 of the Indian Tolls (Army) Act, 1901 (2 of 1901), Central Acts.

[3] Clause (*d*) was added by the Ferries (Amendment) Act, 1878 (Bom. 2 of 1878).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

[6] The words "or Imperial" and "except with the sanction of the Governor-General in Council" were omitted by s. 2 and Schedule I of the Devolution Act, 1920 (38 of 1920).

7. It shall be the duty of every toll-keeper, toll-contractor or farmer to hang up in some conspicuous place at his ferry-station a table of tolls, written or printed in English and in the language of the district. Table of tolls to be hung up.

8. Any toll-keeper or toll-contractor or farmer, Penalty in respect to table of tolls.

who shall neglect to hang up and keep in good order and repair a table of tolls as aforesaid, or

who shall wilfully remove, alter or deface the same, or allow it to become illegible,

shall be liable on each conviction to a penalty not exceeding ten rupees.

9. Any toll-keeper or other person appointed as in section 4, who shall neglect to take the due toll, or shall ask or take any toll other than is allowed by the table of tolls, and Penalty for taking unlawful toll.

any toll-contractor or farmer, or any person in the service of a toll-contractor or farmer, who shall ask or take any toll in excess of that allowed by the table of tolls,

shall be liable to a penalty not exceeding fifty rupees.

10. Any toll-keeper or other person appointed as in section 4, or toll-contractor or farmer or person in the service of a toll-contractor or farmer, who without good reason shall delay any passenger, cart, carriage, animal or goods, shall be liable to a penalty not exceeding fifty rupees. Penalty for wilful delay.

11. Any person Penalty for refusal or evasion of toll and for obstruction or damage.

who shall refuse to pay the lawful toll, or

who, with intent of avoiding payment thereof, shall pass through any ferry-station without paying the toll, or

who shall obstruct in the execution of his duty any toll-keeper or other person lawfully engaged in the management or conduct of a public ferry,

and also any person

who shall maliciously damage any toll-bar, boat or other thing belonging to a public ferry, or

who shall maliciously remove, alter, destroy or damage any table of tolls hung up as hereinbefore directed,

shall be liable to a penalty not exceeding fifty rupees, over and above the value of the damage done.

12. [1][Except in the case provided in sub-section (*2*) of section 14B, and elsewhere— Officers who may make rules for regulation of public ferries.

(*a*) in the case of public ferries on roads under the control of the Executive Engineer of a Division of the Public Works Department, such Executive Engineer, and

(*b*) in all other cases, the Collector of the district],

may, subject to such general directions as [2][the Provincial Government] from time to time may issue, make rules to determine the number of passengers, carts, carriages and animals, and the quantity of goods, that may be carried in any public ferry-boat at one trip, and for the safe, speedy and convenient carriage and landing of passengers and property, and for keeping the ferry-boats in good order and otherwise for the due discharge of their duty by toll-contractors or farmers, toll-keepers, ferrymen and other persons employed at a public ferry ;

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[1] These words were substituted for the words "The Senior Magistrate of Police in the city of Bombay, and the Collector of the district elsewhere" by Bom. 4 of 1933, s. 2.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

and any toll-contractor or farmer, toll-keeper, ferry man or other person infringing or disobeying any such rule shall be liable to make good any loss or damage caused thereby, which loss or damage may be summarily ascertained by any Magistrate within whose jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

Penalty for conveying passengers or goods without licence at Bombay.

13. Any person who, without the special licence of [1][the Provincial Government], shall convey for hire any passenger, animal, cart, carriage or goods from any part of [2][the Greater Bombay] across the harbour of Bombay to the mainland, or any of the adjacent islands or from the mainland or any of the adjacent islands to any part of [2][the Greater Bombay] shall be liable to a penalty not exceeding five hundred rupees;

Proviso.

but this penalty shall not apply to the conveyance by boat for hire of passengers, animals, carts, carriages and goods from one part of [2][the Greater Bombay] to any other part thereof, nor to any person specially hiring a boat for the conveyance of himself or his family or friends, or servants or goods, nor to the person letting such boat for hire for the said purpose.

14. [*Penalty for carrying passengers, etc., without licence.*] *Rep.* [3]*Bom. 21 of 1942.*

Penalty for conveying passenger etc. along river etc. near toll bridge.

[4][**14A.** (*1*) No person shall, without a special licence granted by an officer empowered by the Provincial Government in this behalf, convey for hire any passenger, animal, goods or other thing in any vessel on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel between two points both of which are less than three miles distant from a bridge at which under the provisions of any law for the time being in force a toll is leviable on persons, animals, goods or other things.

(*2*) Whoever contravenes the provisions of sub-section (*1*) shall on conviction be punishable with fine which may extend to five hundred rupees.]

Penalty for conveying passengers etc. in a ferry boat with a submerged load-line or without prescribed free-board.

[5][**14B.** (*1*) Any person who shall convey [6][whether for hire or not, on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel any passenger, animal, goods or other thing in any vessel,] of which the prescribed load-line is submerged or of which the free-board is less than the prescribed free-board, shall be liable to a penalty not exceeding five hundred rupees.

(*2*) [1][The Provincial Government] may make rules prescribing the manner in which the load-line or free-board shall be marked upon any [7][vessel] to which the provisions of sub-section (*1*) apply. The rules so made shall be published in the [8][Official Gazette].

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the original words by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[3] This Act was re-enacted by Bom. 55 of 1947, s. 2.

[4] Section 14A was substituted for the original section by Bom. 21 of 1942, s. 4, read with Bom. 55 of 1947, s. 2.

[5] Section 14B was inserted by Bom 4 of 1933, s. 4.

[6] This portion was substituted for the original portion by Bom. 21 of 1942, s. 5, read with Bom. 55 of 1947, s. 2.

[7] This word was substituted for the word "boat", *ibid.*

[8] The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

[1][**14C.** No person shall ply any vessel on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, whether for hire or not, except under a licence granted by an officer empowered by the Provincial Government in this behalf and except in accordance with the provisions of this Act, the rules, regulations and orders made thereunder and the conditions of such licence :

Licence required to ply any vessel on any river etc.

Provided that the Provincial Government may, by notification in the Official Gazette, exempt from the operation of this section such vessels or class of vessels as may be specified in such notification.]

[1][**14D.** Any Magistrate or Police Officer, not below the rank of a Sub-Inspector, or any officer specially empowered by the Provincial Government in this behalf may board and inspect any vessel for the purpose of satisfying himself that the provisions of this Act, the rules, regulations and orders made thereunder and the conditions of the licence issued in respect of such vessel are duly observed. If such officer is of the opinion that the vessel is not seaworthy or is insufficiently equipped or is in such a condition that its plying may cause danger to human life or safety, he may suspend the licence issued in respect of such vessel and such vessel shall not thereafter be plied until the order suspending the licence has been cancelled or a fresh licence has been issued in respect of such vessel.]

Inspection of vessels and suspension of the license if vessels are not seaworthy etc.

[1][**14E.** (*1*) If any Magistrate, or any Police Officer, not below the rank of a Sub-Inspector, or any officer of the Public Works Department, not below the rank of an Assistant or Deputy Engineer or any officer specially empowered by the Provincial Government in this behalf, is at any time of the opinion that in order to avert any accident or danger to human life or safety it is necessary to take action under this sub-section, such Magistrate or officer may by order prohibit the plying of any vessel, or of any class of vessels or of vessels generally on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, within the limits of his jurisdiction, during such period as may be specified in the order.

Power to prohibit plying of vessel to avert any accident and to requisition vessels etc.

(*2*) Any such Magistrate or officer may by order, within the limits of his jurisdiction, for the purpose of saving any human life or property, requisition the use of any vessel or other property likely to be useful in effecting rescue for such period as may be specified in the order. When any Magistrate or officer requisitions the use of any vessel or other property for any period, there shall be paid to the person deprived of it for the period such amount of compensation as may be determined by the Magistrate or officer. The decision of the Magistrate or the officer regarding the amount of compensation and the person to whom such compensation is payable shall be final.]

[1][**14F.** Any person who contravenes any of the provisions of this Act or of the rules, regulations and orders made thereunder or of the conditions of any licence granted under section 14C, shall, on conviction, if no other penalty is provided in the Act for such contravention, be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both].

Penalty for breach of the provisions of the Act, rules, regulations and orders made thereunder and the conditions of the licence granted under section 14C.

[1][**14G.** If any of the provisions of this Act, or of the rules, regulations or orders made thereunder or of the conditions of the licence granted under section 14C are contravened in respect of any vessel, both the owner and the person in charge of such vessel shall be deemed to have contravened such provisions and shall be personally liable for the same].

Both the owner and the person in charge to be liable for any breach.

[1] Sections 14C, 14D, 14E, 14F and 14G were inserted by Bom. 21 of 1942, s. 6, read with Bom. 55 of 1947, s. 2.

Trial of offences in Bombay;

15. In [1][the Greater Bombay] offences against this Act shall be summarily heard and determined by any Magistrate of Police, and all fines imposed may, in default of payment, be levied under the warrant of such Magistrate by distress and sale of the goods of the offender.

In places out of city.

In places not within the limits of [1][the Greater Bombay] offences against this Act shall be inquired into and determined by any Magistrate exercising jurisdiction in the district in which the offence has been committed, and all fines imposed may be levied in the manner provide in section 61 of the Criminal Procedure Code[2].

Recovery of fines.

[3]**16.** [*Application of proceeds of tolls, farms and penalties.*] *Rep. Bom. 1 of 1888.*

Provincial Government may delegate powers.

17. [4][The Provincial Government] may delegate, under such restrictions as may seem fit, any of the powers conferred on it by this Act, *ex officio*, to any [5]* * * *Commissioner, Collector, Magistrate or other person.

Rules and Regulations.

[6][**17A.** (*1*) The Provincial Government may, after previous publication, make rules for the purpose of carrying out the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely :—

(*a*) licensing and regulating vessels, plying, whether for hire or not, on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, and prescribing the officers by whom and the conditions on which licences for plying such vessels may be granted, suspended or revoked and the fees payable in respect of such licences ;

(*b*) determining the number of passengers, carts, carriages or animals or the quantity of goods or other things that may be carried in such vessels ;

(*c*) regulating the carriage and exhibition of lights by such vessels ;

(*d*) prescribing the fares which may be charged for the carriage of passengers, animals, goods, or other things in such vessels ;

(*e*) regulating the conduct of passengers in such vessels ;

(*f*) prescribing the equipment and the number of the crew which must be on board any such vessel when it is plying ; and

(*g*) generally for securing the safe, speedy and convenient carriage and landing of passengers and cargo in such vessels.

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[1] These words were substituted for the original words by Bom. 17 of 1945, s. 9, Schedule E read with Bom. 52 of 1947, s. 2, proviso.

[2] See now ss. 386, 387 and 389 of the Code of Criminal Procedure, 1898 (Act 5 of 1898).

[3] Section 16 which is repealed, except in the City of Bombay, by the Bombay Local Boards Act, 1884 (Bom. I of 1884), s. 2, and Schedule, is as follows :—

Clause 1.—In each district the proceeds from tolls and farms of public ferries, and from penalties levied under this Act, shall form the ferry fund of such district, and shall be appropriated in the first instance to the maintenance of the public ferries of the district, and the improvement of the roads leading to the said ferries, the surplus, if any, being expended on local works in the district in such manner as Government may from time to time direct.

Clause 2.—The limits of each district for the purposes of this section shall be such as Government may from time to time determine.

Clause 3.—When a public ferry is partly in one district and partly in another, it shall be lawful for Government to assign to each district such proportion of the proceeds as they shall deem fit. The Bombay Local Boards Act, 1884, has now been repealed by Bom. 6 of 1923.

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council

[5] The words "Revenue or Police" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[6] Sections 17A, 17B and 17C were inserted by Bom. 21 of 1942, s. 7, read with Bom. 55 of 1947, s. 2.

(*3*) The District Magistrate may, from time to time, make regulations, not inconsistent with the provisions of this Act and the rules thereunder—

(*a*) regulating the plying of vessels on any river, stream, creek, tank, lake or other collection of water affording passage for a vessel, within the limits of his jurisdiction, and

(*b*) for securing the safe, speedy and convenient carriage and landing of passengers in such vessels.]

[1][**17B.** In this Act, "vessel" shall include anything made for the conveyance by water of human beings, animals or property.] Definition of "vessel".

[1][**17C.** Nothing in sections 14A to 14G and 17A and 17B shall apply in respect of any vessel plying on sea or on tidal waters or in any major port, or in respect of any inland steam-vessel as defined in sub-section (*1*) of section 2 of the Inland Steam-vessels Act, 1917, or in respect of any vessel plying under a licence issued in exercise of the powers conferred by section 6 of the Indian Ports Act, 1908.] Provisions of section 14A to 14G and 17A and 17B not applicable in certain cases.

I of 1917. XV of 1908.

18. This Act may be cited as the Bombay Ferries [2][and Inland Vessels] Act, 1868. Short title.

[3]SCHEDULE.

Under section.	Powers.
3.	Powers exercisable by [4][the Provincial Government] including the power to exempt from payment of toll under clause (*d*).
4.	Powers exercisable by [4][the Provincial Government].
5.	Powers exercisable by [4][the Provincial Government].
12.	Powers exercisable by the Collector of the district.
14.	Powers exercisable by the Collector of the district.

[1] Section 17A, 17B and 17C were inserted by Bom. 21 of 1942, s. 7, read with Bom. 55 of 1947, s. 2.
[2] These words were inserted, *ibid*, s. 8.
[3] This Schedule was added by Bom. 8 of 1923, s. 3.
[4] The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

THE CIVIL JAILS ACT, 1874.

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PREAMBLE. [*Repealed.*]

PARTS I AND II.

Sections.

1 to 7. [*Repealed.*]

PART III.

CIVIL JAILS.

8. [*Repealed.*]

9. Civil jail to be at seat of each District Court, and may be at other places.

10. Nazir of District Court to be keeper of civil jail and to have establishment under him.

11. Judge to visit civil jail.

12. Medical officer to attend jail.
Remedies administered at expense of Provincial Government.

13. Strangers may be admitted to civil jail.

14. Subsistence of prisoners in civil jails.

15. Disposal of corpse of prisoner dying in civil jail.

16. Disposal of subsistence-money in hand on prisoner's death or release.
Cost of disposing of corpses and other expenses connected with civil jail to be provided by Provincial Government.

PARTS IV TO XIV

17 to 52. [*Repealed.*]

BOMBAY ACT No. II OF 1874.[1]

[THE CIVIL JAILS ACT, 1874.][1]

[*15th January, 1875.*]

Repealed in part, by Act 9 of 1894;

" " " " Bom. 3 of 1886.

Amended by Bom. 2 of 1882.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act for the regulation of jails in the City and Presidency of Bombay and the enforcement of discipline therein.

PREAMBLE. [*Rep.* [2]*Act IX of 1894.*]

PARTS I AND II.

PRELIMINARY; CLASSES OF JAILS.

1 to 7. [*Rep.* [2]*Act IX of 1894.*]

PART III.

CIVIL JAILS.

8. [*Limitation of application of Part III.*] *Rep.* [2]*Act IX of 1894.*

Civil jail to be at seat of each District Court, and may be at other places.

9. There shall be a civil jail at the seat of the District Court for each district created under section 3 of [3]Act XIV of 1869: Provided that it shall be in the power of the [4][Provincial Government] to establish civil jails at other convenient places.

Nazir of District Court to be keeper of civil jail and to have establishment under him.

10. The nazir of the District Court or of the chief Civil Court at the place where the civil jail is located shall be *ex-officio* keeper of the civil jail, and shall be responsible for the safe custody of the prisoners and for the preservation of cleanliness and good order in the jail and among the prisoners, and shall have such establishment under him as the District Judge, with the sanction of the [4][Provincial Government], may direct.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1873 (Pt. V, p. 290; for first Report of the Select Committee, *see ibid*, 1874, p. 82; for second Report of the Select Committee, *see ibid*. p. 121, and for Proceedings in Council, *see ibid*, 1873, p. 483, and *ibid*, 1874, pp. 111, 152 and 154.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

Civil jails in the Presidency of Bombay outside the city of Bombay are administered under ss. 9 to 16 of this Act as amended by subsequent enactments, *see* the Prisons Act, 1894 (9 of 1894), s. 1 (*4*), Central Acts.

[2] Central Acts.

[3] The Bombay Civil Courts Act, 1869.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Judge to visit civil jail.

11. The Judge or the Assistant Judge of the district in which a civil jail is situated shall visit such civil jail at least once in each month, and shall issue in writing such orders connected with the economy of the jail, the good management, health and accommodation of the prisoners, as he may think fit.

He shall record the date of his visit, and any remarks he may have to make, in a book to be kept for the purpose.

Medical officer to attend jail.

12. A medical officer to be appointed by the [1][Provincial Government] shall attend the civil jail, and shall be bound to offer such advice to the District Judge, or other officer in charge of the civil jail, as may seem expedient to him with regard to the sanitary state of the jail and of the prisoners.

Remedies administered at expense of Provincial Government.

He shall also administer remedies at the expense of the [2][Provincial Government] to the sick : Provided that nothing contained in this section shall prevent a prisoner in a civil jail from employing at his own expense any medical man he may think fit to consult.

Strangers may be admitted to civil jail.

13. The civil jail shall be opened daily for the admission of those wishing to visit prisoners from 9 a.m. till 3 p.m., and no stranger shall be allowed to remain in the civil jail beyond the above-mentioned hours except by permission of the Judge, the Assistant Judge of the district, or on the recommendation of the medical officer by the permission of the nazir in charge of the jail.

Subsistence of prisoners in civil jails.

14. (*1*) Prisoners, in the civil jail may either make their own arrangements for their subsistence, or may, within the amount of subsistence-money or batta furnished by the party at whose suit they are detained, require the nazir to furnish their food and other necessaries out of the subsistence-money fixed for them by the Court by which they are committed : Provided that excess in the use of intoxicating liquors or drugs be strictly prohibited. A tariff of prices approved by the District Judge on the first day of each month shall be kept in each civil jail and shall be accessible to all the prisoners.

(*2*) Every civil prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the nazir with such clothing and bedding as may be ordered by the Judge or Assistant Judge under the provisions of section 11 of this Act.

When any such prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall be liable to pay to the nazir on demand in writing the cost of the clothing and bedding so supplied to the prisoner ; and in default of such payment the prisoner shall be released.

Disposal of corpse of prisoner dying in civil jail.

15. When a prisoner shall die in the civil jail, the nazir shall immediately report such death to the nearest Magistrate, who shall thereupon inquire into the cause of such death, and make a written report thereon to the Inspector-General of Prisons, and the corpse of such prisoner shall, after the medical officer appointed under section 12 * *[3] has certified to his death, be made over to his relatives or friends [4][if any be present and willing to take charge of it].

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the word "Government", *ibid.*

[3] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[4] These words were substituted for the words "or in failure of their taking the corpse, it shall be buried, burnt or otherwise disposed of at the expense of the Civil Jail Fund, as hereinafter provided" by s. 1, Bombay Jails Amendment Act, 1882 (Bom. 2 of 1882).

[1][If no relatives or friend of a prisoner who has died in prison is present and willing to receive and dispose of his corpse, it shall be buried, burnt or otherwise disposed of.]

[2][**16.** If, at the time of a prisoner's death or release, any of the subsistence-money furnished by the party at whose suit such prisoner was detained remains unexpended, notice shall be forthwith given to the party paying the same, and the balance so remaining unexpended shall be returned to such party or his representatives: Provided that he or they claim payment thereof within three months from the date of such notice; failing which such balance shall become the property of [3][the Crown for the purposes of the Province].

Disposal of subsistence money in hand on prisoner's death or release.

The cost of disposing of the corpses of deceased prisoners under clause 2 of the last preceding section, and of procuring comforts for sick prisoners, and generally for the maintenance of the civil jail, shall be provided by [4][the Provincial Government] subject to such rules as [4][the Provincial Government] may from time to time prescribe in this behalf.]

Cost of disposing of corpses and other expenses connected with civil jail to be provided by Provincial Government.

PARTS IV TO XIV.

[CRIMINAL JAILS; SUPERINTENDENTS OF CRIMINAL JAILS, AND THEIR DUTIES; JAILORS AND THEIR DUTIES; MEDICAL OFFICER; PRISON OFFENCES; OFFENCES IN RELATION TO JAILS; VISITS TO, AND CORRESPONDENCE OF, PRISONERS; DISCHARGE OF PRISONERS; VISITORS OF JAILS; EXTRAMURAL GANGS; MISCELLANEOUS.]

17 to 52. [*Rep.* [5]*Act IX of 1894.*]

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[1] This clause was added, by s. 1, Bombay Jails Amendment Act, 1882 (Bom. 2 of 1882).

[2] Section 16 was substituted by s. 2, *ibid.*

[3] The words "the Crown for the purposes of the Province" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[5] *See* Central Acts.

THE BOMBAY HEREDITARY OFFICES ACT, 1874.

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PROCEDURE AND APPEALS.

72. Evidence to be taken.
73. Orders under Parts III, V, VI and VII to be passed after investigation in writing.
Certain decisions passed since 1866 to be accepted in lieu of fresh investigation.
74. Control of proceedings of Collector.
75. Mamlatdar may make investigation under Part X.
76. No appeal to lie, save where specially provided.
77. Appeals.
78. Copy of order to accompany petition of appeal.
Appeal may be summarily rejected.
79. Provincial Government may call for proceedings.
80. Notice how to be served.
81. Recoveries how to be made.
82. Provincial Government to frame rules.
83. Provincial Government to determine duties of hereditary officers
84. Grant of powers to Special Officer.
85. Act not to affect Bombay Act VIII of 1867.

SCHEDULE. [*Repealed.*]
SECOND SCHEDULE.—Offences referred to in section 60.

BOMBAY ACT No. III OF 1874.[1]

[THE BOMBAY HEREDITARY OFFICES ACT, 1874.]

[*5th February, 1875.*]

Repealed in part, by Act 12 of 1876;
,, ,, ,, by Bom. 3 of 1886.
,, ,, ,, and amended by—
Act 16 of 1895;
Bom. 5 of 1886;
,, 3 of 1910.

Repealed in part, amended and supplemented (locally), by—
Bom. 6 of 1887.

Amended, by Bom. 3 of 1915;
,, ,, ,, 11 of 1925;
,, ,, ,, 11 of 1930;
,, ,, ,, 15 of 1931;
,, ,, ,, 12 of 1932.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to amend the Law relating to Hereditary Offices.

WHEREAS it is expedient to declare and amend the law relating to Hereditary Offices; It is hereby enacted as follows:— Preamble.

PART I.

PRELIMINARY.

1. This Act may be called the Bombay Hereditary Offices Act. Short title.

It extends to the Regulation Districts and to all villages therein, whether alienated or otherwise, so far as its provisions shall not conflict with the terms, on which any such alienated village may have been secured to the holder thereof.

Nothing in this Act shall affect the powers of [2][the Provincial Government] to deal with any watan or parts of watans, or with the profits thereof respectively under [3]Act No. XI of 1852, or Bombay Acts Nos. II and VII of 1863, or any other law at present in force with respect thereto.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1873, Pt. V, and pp. 207 and 309, for Proceedings in Council, *see ibid*, pp. 439, 443 and 462, *ibid*, 1874, pp. 135, 148, 156 and 162.

As to the application of Bom. 3 of 1874 as amended by Bom. 5 of 1886, to Matadars in the districts of Ahmedabad, Kaira, Broach and Surat, and in villages in the Panch Mahals district to which Bom. 6 of 1887, *infra*, is extended—*see* the Matadars Act, 1887 (Bom. 6 of 1887), ss. 1 and 2, *infra*.

Subject to modifications and repeals, Bom. 6 of 1887 is to be read as one with this Act—*see* Bom. 6 of 1887, s. 4. For further modifications, *see* ss. 5 *et seq.* of the latter Act.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The Bombay Rent-free Estates Act, 1852.

2. [*Repeal of enactments.*] *Rep. Act XII of 1876.*

Application of parts VI, VII, VIII and IX.

3. Parts VI, VII, VIII and IX [1]* * * shall not apply to hereditary offices of lower degree than Patel or Kulkarni, nor to watans appertaining to such offices.

Interpretation clause.

4. In this Act, unless there be something repugnant in the subject or context—

"Watan property" means the moveable or immoveable property held, acquired, or assigned for providing remuneration for the performance of the duty appertaining to an hereditary office. It includes a right to levy customary fees or perquisites, in money or in kind, whether at fixed times or otherwise.

It includes cash payments in addition to the original watan property made voluntarily by [3][the Provincial Government] and subject periodically to modification or withdrawal.

"Hereditary Office" means every office held hereditarily for the performance of duties connected with the administration or collection of the public revenue or with the village police, or with the settlement of boundaries, or other matters of civil administration. The expression includes such office even where the services originally appertaining to it have ceased to be demanded.

The watan property, if any, and the hereditary office and the rights and privileges attached to them together constitute the watan.

"Watandar" means a person having an hereditary interest in a watan. It includes a person holding watan property acquired by him before the introduction of the British Government into the locality of the watan, or legally acquired subsequent to such introduction, and a person holding such property from him by inheritance. It includes a person adopted by an owner of a watan or part of a watan, subject to the conditions specified in sections 33 to 35 [1]* * *

"Family" includes each of the branches of the family descended from an original watandar: Provided that no sub-division shall be recognized except as hereinafter provided in section 26.

"Head of a family" includes the chief representative of each branch of a family.

"Representative watandar" means a watandar registered by the Collector under section 25 [1]* * * as having a right to perform the duties of an hereditary office.

"Officiator" means the person actually performing the duties of an hereditary office for the time being, whether he be a representative watandar or a deputy or a substitute appointed under any of the provisions [2][of this Act].

"Guardian" means a relation or other person to whom the care, nurture, or custody of any child falls by natural right or recognized usage, or who has accepted or assumed directly the care, nurture, or custody of any child, or in case of dispute the holder of a certificate of guardianship from a competent court.

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] These words were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), and re-inserted by the Amending Act, 1895 (16 of 1895).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

PART II.

WATAN PROPERTY AND PROFITS THEREOF.

[1][5. (*1*) Without the sanction of [2][the Provincial Government], [3][or in the case of a mortgage, charge, alienation or lease of not more than thirty years, of the Commissioner] it shall not be competent— Prohibition of alienation of watan and watan rights.

(*a*) to a watandar to mortgage, charge, alienate or lease, for a period beyond the term of his natural life, any watan, or any part thereof, or any interest therein, to or for the benefit of any person who is not a watandar of the same watan;

(*b*) to a representative watandar to mortgage, charge, lease or alienate any right with which he is invested, as such, under this Act.

(*2*) In the case of any watan in respect of which a service commutation settlement has been effected, either under section 15 or before that section came into force, clause (*a*) of this section shall apply to such watan, unless the right of alienating the watan without the sanction of [2][the Provincial Government] is conferred upon the watandars by the terms of such settlement or has been acquired by them under the said terms.]

6. (*1*) In any case in which it shall appear to the Collector that the institution of legal proceedings is requisite or desirable with respect to any watan, or the estate, property, funds or affairs thereof, the Collector shall certify such case in writing under his hand to the [4]* * * Commissioner, together with such statements and particulars as in his opinion may be requisite or proper for the explanation of such case, and thereupon the said [4]* * * Commissioner, if upon consideration of the circumstances he thinks fit, shall authorize the Collector to institute and prosecute in the name of the Collector such legal proceedings as may appear requisite or proper for the protection of the watan, its estates, property, funds or affairs, by suit or petition in any Civil Court having jurisdiction in the matter. The cost of such proceedings, unless recovered from the opposite party, shall be paid out of the funds of the watan. Collector may institute legal proceedings for the protection of a watan.

(*2*) The Collector may, if he thinks fit, proceed as provided in sections 8, 9, 10, 11 or 13 [5]* * * in lieu of instituting or prosecuting legal proceedings under this section. Collector may proceed under sections 8 to 11, or 13.

7. Watan property assigned under section 23 [5]* * * as remuneration of an officiator, and the profits of watan property so assigned, shall not be alienated or assigned to any person whatever without the sanction of [2][the Provincial Government]. Watan assigned as remuneration not alienable without sanction.

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[1] Section 5 was substituted by s. 1, Bom. 5 of 1886. As to postponement of female members, and as to interest of widow, *see ibid*, s. 2.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were inserted by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[4] The word "Revenue" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[5] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

Watan property passed into possession of person other than officiator liable to contribution for remuneration of officiator.

8. Whenever any watan, or any part thereof, or any of the profits thereof, whether assigned as remuneration of an officiator or not, has or have before the date of this Act coming into force passed by virtue of, or in execution of, a decree or order of any British Court into the ownership or beneficial possession of any person other than the officiator for the time being, or has or have before such date passed otherwise than by virtue of, or in execution of, a decree or order of any British Court into the ownership or beneficial possession of a watandar other than such officiator; or

when any watan, or part or profits thereof, not being assigned as remuneration of an officiator has, after the date of this Act coming into force, passed by virtue of, or in execution of, a decree or order of any British Court or otherwise, into the ownership or beneficial possession of a watandar other than such officiator;

such watan, or any part thereof, or any of the profits thereof, shall be liable under the orders of the Collector to contribution for the remuneration of such officiator in like manner and to the like extent as if no such decree had been passed or no such transfer had taken place.

Collector may declare alienation of watan property to be under certain circumstances null and void.

9. (*1*) Whenever any watan or any part thereof, or any of the profits thereof, whether assigned as remuneration of an officiator or not, has or have, before the the date of this Act coming into force, passed otherwise than by virtue of, or in execution of, a decree or order of any British Court, and without the consent of the Collector and transfer of ownership in the Revenue records, into the ownership or beneficial possession of any person not a watandar of the same watan, the Collector may, after recording his reasons in writing, declare such alienation to be null and void, and order that such watan, or any part thereof, or any of the profits thereof, shall from the date of such order belong to the watandar previously entitled thereto, and may recover and pay to such watandar any profits thereof accordingly.

Collector may in the case of land recover full rent.

(*2*) If such part of a watan be land, it shall be lawful for the Collector, instead of transferring the possession of the land, to demand and recover the full rent ordinarily paid by tenants of land of similar description in the same locality, and the amount so recovered shall be considered as the profits. The decision of the Collector as to what is the full rent shall be final.

Civil Court on receipt of Collector's certificate, to remove attachment on watan property assigned as remuneration of officiator.

10. When it shall appear to the Collector that by virtue of, or in execution of, a decree or order of any British Court any watan or any part thereof, or any of the profits thereof, recorded as such in the Revenue records or registered under this Act, and assigned under section 23 [1]* * * as remuneration of an officiator, has or have, after the date [2][of this Act] coming into force, passed or may pass without the sanction of [3][the Provincial Government] into the ownership or beneficial possession of any person other than the officiator for the time being; or that any such watan, or any part thereof or any of the profits thereof, not so assigned has or have so passed [4][or may pass] into the ownership or beneficial possession of any person not a watandar of the same watan, the Court

[1] The words "of this Act" were repealed by the General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] These words were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), and re-inserted by the Amending Act, 1895 (16 of 1895).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] These words were inserted by the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

shall, on receipt of a certificate under the hand and seal of the Collector, stating that the property to which the decree or order relates is a watan or part of a watan, or that such property constitutes the profits or part of the profits of a watan, or is assigned as the remuneration of an officiator, and is therefore inalienable, remove any attachment or other process then pending against the said watan, or any part thereof, or any of the profits thereof, and set aside any sale or order of sale or transfer thereof, and shall cancel the decree or order complained of so far as it concerns the said watan, or any part thereof or any of the profits thereof.

11. When any alienation of the nature described in section 10 [1]* * * shall take place otherwise than by virtue of, or in execution of a decree or order of any British Court, the Collector shall, after recording his reasons in writing, declare such alienation to be null and void, [2]* * * * * *. Collector shall declare null and void alienation of watan property made after passing of Act.

[3][**11A.** The Collector shall either summarily resume possession of all property to which an order of a Court passed on receipt of his certificate under section 10, or his own declaration under section 11, relates, or assess it at the rate prescribed in clause 2 of section 9, as he may think fit, and the said property shall thenceforward revert to the watan.] Resumption of property to which an order made under section 10 or section 11 applies.

12. It shall be lawful for the Collector whenever it may be necessary, in carrying out the provisions of sections 8, 9 and 11 [1]* * * Powers of Collector to carry out provisions of sections 8, 9 and 11.

(*a*) to summarily evict any person wrongfully in possession of any land, or

(*b*) to levy any rent due by any person in the manner that may be prescribed in any law for the time being in force for the levy of a revenue demand.

13. Watan property assigned as remuneration of an officiator under section 23 [1]* * * and the profits of such watan property are not liable to process of any Civil Court. Watan assigned as remuneration not liable to process of Court.

On receipt of a certificate under the hand and seal of a Collector to the effect that certain property designated therein is watan property so assigned, the Court shall remove any attachment or other process placed on, or set aside any sale of, or affecting, such property or the profits thereof.

14. (*1*) It shall be lawful for a Collector for reasons to be stated in writing, to combine two or more watans held for the performance of similar services in the same village or parts of the same village. Combination of hereditary offices.

(*2*) [*Validation of prior combinations.*] *Rep. Act XVI of 1895.*

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[1] The words "of this Act" were repealed by the General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printd as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "and shall either summarily resume possession of such property, or assess it at the rate prescribed in section 9, clause 2, of this Act, as he may think fit, and it shall thenceforward revert to the watan" were repealed by s. 4, Bom. 5 of 1886.

[3] S. 11A was inserted by Bom. 5 of 1886.

PART III.

COMMUTATION OF WATANS.

Commutation of service.

15. (*1*) The Collector may, with the consent of the holder of a watan, given in writing, relieve him and his heirs and successors in perpetuity of their liability to perform service upon such conditions, whether consistent with the provisions of this Act or not, as may be agreed upon by the Collector and such holder.

(*2*) [*Validation of prior settlements.*] *Rep. Act XVI of 1895.*

Settlement on whom to be binding.

(*3*) Every settlement made or confirmed under this section shall be binding upon both [1][the Provincial Government] and the holder of the watan and his heirs and successors.

Who is a "holder".

(*4*) The word "holder" for the purposes of this section includes any sole owner or the whole number of joint owners or any person dealt with as representative of the persons beneficially interested or entered as such in the Government records at the time of the settlement.

Rights of individuals to exact customary service from village servants not affected.

16. Nothing in the last preceding section shall be held to affect any rights of individuals or village communities to exact such service as may be customary from village servants whose watans were originally granted or are now held for the performance of such service, but who have been relieved by [1][the Provincial Government] of liability to perform such service to the State.

Assessment of amount of payments in alienated villages.

17. When all or any of the property of a watan consists of payments of whatever description, whether in money or kind, made by Jaghirdars, Inamdars, Mehwassi Chiefs, or others owning or occupying immovable property wholly or partially free from assessment, the Collector may from time to time determine the amount of such payments recoverable; provided that no larger demand shall be made than one equivalent to the amount that would be payable under the scale in force for the time being in the case of Government villages.

Appointment of Panchayat to define rights and duties of certain classes of watandars.

18. When all or any of the property of a village watan of lower degree than that of Patel or Kulkarni consists of a right to levy in money or kind directly from individuals, it shall be lawful for the Collector, on the application of any person interested, to cause the nature and extent of such right and of the duties to be performed, and the persons, families, or classes liable to make payment and to perform the duties, to be defined in writing by a panchayat of five persons, whereof two shall be appointed by the villagers, two by the watandars, and one, who shall be sar-panch by the Collector. The decision shall be in accordance with the opinion of the majority of the panchayat, provided that in case the villagers or the watandars fail to nominate members within seven days, the Collector shall appoint such members as may be required to constitute a panchayat of five:

Provided also that, in case the panchayat do not come to a decision within seven days from the appointment of the sar panch, the Collector may himself pass a decision.

The decision of the panchayat or of the Collector, as above provided, shall be final and binding on all persons or classes whose rights, duties or liabilities have been submitted to such decision.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

19. Whenever, on failure of the panchayat to come to a decision, the Collector, acting under the last preceding section, passes a decision, and it appears that the profits of the watan or part thereof are of fluctuating amount, or are payable in kind, it shall be lawful for the Collector to determine the amount payable and to decide whether the payment shall be made in kind or money. Mode of fixing amount payable when profits of a watan fluctuate.

20. Any settlement of the nature described in section 17, 18 or 19 [1]* * * made before the date of this Act coming into force, by a Collector or other officer duly authorised by [2][the Provincial Government], shall have the same force as if made under this Act. Validity of settlements made prior to passing of Act.

21. Settlements of the nature described in sections 17, 18 and 19 [1]* * made after this Act comes into force, shall be made for such periods as the [3][Provincial Government] may from time to time direct. Settlements for such period as Provincial Government may direct.

PART IV.

CREATION AND LAPSE OF WATANS.

22. When no watan exists, it shall be lawful for [2][the Provincial Government] to create one, and in so doing to assign, subject to such sanction as may be required by any law, [4]* * * * * for the time being in force, such [5][roperty vested in the Crown for the purposes of the Province] as to [2][the Provincial Government] may seem fit. Creation of new watans.

Such watan shall be subject to all the provisions of this Act, and the watandars shall exercise the powers and perform the duties conferred and imposed by this Act or any other law for the time being in force.

When a watan, or part of a watan, has lapsed or has been confiscated or otherwise lawfully resumed by [2][the Provincial Government], or when the right of any particular family to hold a watan does not exist or is not established, it shall be lawful for [2][the Provincial Government], subject to the sanction mentioned in the first clause of this section, to assign such watan, or part of a watan, to such person or persons as to [2][the Provincial Government] may seem fit.

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "Provincial Government" were substituted for th words "Governor in Council", *ibid.*

[4] The words "or order of the Governor General of India in Council" were omitted, *ibid.*

[5] The words "property vested in the Crown for the purposes of the Province" were substituted or the words "property of Government", *ibid.*

PART V.

REMUNERATION OF OFFICIATORS.

Collector to fix emoluments of officiators.

23. Subject to the provisions of this Act and of any other law for the time being in force regarding Service Inams, Cash allowances and Pensions, it shall be the duty of the Collector to fix the annual emoluments of officiators appointed under the provisions of this Act, and to direct the payment thereof to the officiators for the time being.

Collector may assign watan property for the purpose.

It shall be lawful for the Collector for this purpose to assign watan property, or the profits thereof, towards the emoluments of officiators. The existing assignments shall, until altered by competent authority, be taken to have been made under this section. With the sanction of [1][the Provincial Government] the Collector may, as occasion arises, alter the assignment and may increase or diminish it in value, such increase or diminution being made rateably among the holders in proportion to the profit derived by such holders respectively from the watan.

PART VI.

REPRESENTATIVE WATANDARS.

Duties of office to be performed by representative watandars.

[2]**24.** The duties appertaining to any hereditary office shall be performed by the representative watandars or by deputies or substitutes as hereinafter provided, and by no other persons.

Determination and registration of representative watandars.

[2]**25.** It shall be the duty of the Collector to determine, as hereinafter provided, the custom of the watan as to service and what persons shall be recognized as representative watandars for the purpose of this Act, and to register their names.

Previous practice to be considered in determining who are representative watandars.

[2]**26.** In determining what heads of families shall be recognized as representative watandars and what is the custom of the watan as to service, the Collector shall inquire into and take into consideration the practice heretofore observed from the earliest period for which there are records or other evidence available: provided that he shall not be bound to recognize appointments or sub-divisions which have been made subsequently to the introduction of [3]Act No. XI of 1843, and which he considers to be contrary to the custom of the watan.

Registration of head of family as sole representative watandar.

[2]**27.** If it shall appear to the Collector that the custom has been for a member of one family only to serve, the Collector shall register the name of the head of such family only as the representative watandar and no other person.

Registration of heads of familes as representative watandars.

[2]**28.** If it shall appear to the Collector that the custom has been for a member of each of several families to perform the duties either contemporaneously or for successive periods, the Collector shall register the name of the head of each of such families as representative watandars and no other persons, and where the practice of service and successive periods is proved to exist, he shall decide the order in which the representative watandars shall officiate.

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[1] The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

[2] As to the local repeal of ss. 24 to 29, *see* the Matadars Act, 1887 (Bom. 6 of 1887), ss. 1 and 3.

[3] Act 11 of 1843 was repealed by s. 2 of this Act.

[1]29. (*1*) Where the practice of service in successive periods appears to have existed but is not proved to the satisfaction of the Collector to have existed at the date of the introduction of [2]Act No. XI of 1843, or when the practice of selection by the Collector from several families prevails, he shall determine who is the head of the eldest family descended from the original watandar and shall register his name as sole representative watandar.

Registration of head of eldest family as sole representative watandar.

(*2*) In cases where such several families are not descended from a common ancestor, the Collector shall register as representative watandars the heads of such families, and establish the practice of service in successive periods.

Registration of heads of separate families as representative watandars.

[3]30. When the practice of service in successive periods has been introduced under the British rule, in consequence of the reduction in the number of [4][officiators] or the amalgamation of watans by [5][the Provincial Government], the head of each family that formerly officiated shall be separately entered as a representative watandar.

Registration as representative watandar of head of each family in amalgamated watan.

[3]31. But if in any case described in section 29 [6]* * * the heads of families at any time before the completion of the register prescribed by this Act agree unanimously in writing, or have in writing agreed during the inquiry made in the preparation of the existing registers, as to who are the representative watandars, and as to the order of service, then the register prescribed in this Act shall be prepared in accordance with such agreement.

Procedure if heads of families agree as to who are representative watandars.

32. When watan property or profits have been voluntarily relinquished without abandonment of right of service, such right of service shall be dealt with as if the watandars were still in receipt of such emoluments.

Right of service to remain after relinquishment of watan property.

[3]33. In any case in which, before the coming of this Act into force, any registered representative watandar or his widow shall have adopted an heir, notice of the same shall, within twelve months from the coming into force of this Act, be given by or on behalf of such adopted heir to the Collector, who shall register the name of such heir accordingly. But if such adoption shall be shown to have been or shall subsequently be set aside by decree of a competent Court, the Collector shall remove such name from the register.

Notice of adoption if heir has been adopted prior to passing of Act.

[3]34. In any case in which, after the coming of this Act into force, any registered representative watandar or his widow shall adopt an heir, report of such adoption shall within three months be made to the Collector by such watandar or by his widow, or in case of their death then by such adopted heir, or by the guardian of the latter, and the Collector shall register the name of such heir accordingly. But if such adoption shall subsequently be set aside by decree of a competent Court, the Collector shall remove such name from the register.

Notice of adoption when heir is adopted after passing of Act.

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[1] As to the local repeal of ss. 24 to 29, *see* the Matadars Act, 1887 (Bom. 6 of 1887), ss. 1 and 3.

[2] Act 11 of 1843 was repealed by s. 2 of this Act.

[3] As to the local modification or repeal of ss. 30 and 31, *see* Bom. 6 of 1887.

[4] This word was substituted for the word "sharers" by s. 6 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

Procedure if notice of adoption is not duly given.

35. In any case in which [1][notice or] report of such adoption shall not be made as herein directed, the Collector shall not recognize the same without the production of a certificate of heirship, or of a final decree of a competent Court establishing the validity of such adoption.

Death of representative watandar to be reported; name of heir to be registered.

[2][[3]**36.** When any representative watandar dies it shall be the duty of the patel and village accountant to report the fact to the Collector; and the Collector shall, if satisfied of the truth of the report, and subject to the provisions of section 2 of Bombay Act V of 1886, register the name of the person appearing to be the nearest heir of such watandar as representative watandar in place of the watandar so deceased.

Provided that—

(*1*) in determining who is the nearest heir for the purposes of this section the rule of lineal primogeniture shall be presumed to prevail in the watan family;

(*2*) in any case where the deceased watandar was not a sole representative watandar, if his nearest heir is not a member of the branch of the family to which the deceased watandar belonged but is another representative watandar of the same watan or is a member of the branch of another representative watandar of the same watan, the share entered in the register against the name of the deceased watandar shall—

(*a*) if there is only one remaining representative watandar of the same watan who is descended from the same original watandar as the deceased, pass to that remaining representative watandar,

(*b*) if there are more than one such remaining representative watandars, be divided among such remaining representative watandars in proportion to their shares

and the register shall be corrected accordingly:

(*3*) [4][if any person shall by production of a decree] of a competent Court, satisfy the Collector that he is entitled to have his name registered as the nearest heir of such deceased watandar in preference to the person whose name the Collector has ordered to be registered, [5][at any time within six years of such order, the Collector shall] subject to the foregoing provisoes, cause the entry in the register to be amended accordingly.]

Guardian of minor watandar to perform duties of minor.

[6]**37.** When any head of a family or representative watandar is under the age of eighteen years his guardian may subject to the provisions of section 51 [7]* * * exercise all powers and perform all duties conferred and imposed by this Act.

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[1] These words were inserted by s. 7 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

[2] Section 36 was substituted by s. 2 (1) of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[3] As to the local modification or repeal of ss. 33, 34 and 36, *see* Bom. 6 of 1887.

[4] The words "if any person shall by production of a decree" were substituted for the words "if at any time any person shall by production of a certificate of hardship, or of a decree or order" by Bom. 11 of 1930, s. 2.

[5] The words "at any time within six years of such order, the Collector shall" were substituted for the words "the Collector may", *ibid.*

[6] As to the local repeal of s. 37, *see* Bom. 6 of 1887.

[7] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

PART VII.

PERIODS OF SERVICE.

[1][38. Subject to the provisions of sections 45 and 46, representative watandars shall be entitled to office for the following periods, respectively (namely) :— Representative watandars to serve for life or for fixed periods of five or ten years.

(*a*) in cases falling under section 28 or section 29, clause (*2*), or section 30 or section 31, in which the representative watandars are entitled to office contemporaneously, and in cases falling under section 27 or section 29, clause (*1*),	for life ;
(*b*) in cases falling under section 28 or section 29, clause (*2*), or section 30 or section 31, in which the representative watandars are entitled to office in successive periods.	for such period as the Collector shall in each case determine, the same being not less than five nor more than ten years.]

[2]39. In the event of the officiating watandar dying before the expiration of his fixed period of service, his heir shall, subject to the provisions of Part VIII [3]* * * be entitled to officiate for the remainder of that period. Procedure on death of officiator.

[2]40. (*1*) In the case of a watan in which the representative watandars are entitled to perform the duties in successive periods, the Collector shall, on the occurrence of the turn of any such representative watandar to perform the duties, issue a notice to the whole body of registered representative watandars calling upon them to appear before him at a certain time and place to elect an officiator, or such number of officiators as may be required by the Collector under the provisions of section 43 [3]* * *. Election officiator in rotation watan.

(*2*) If not less than three fourths, including the watandar whose turn it is to officiate, of the representative watandars appear at the appointed time and place and unanimously nominate a fit and proper person or persons, being a watandar or watandars of the same watan, the person or persons so nominated shall be entitled to officiate in the place and for the period of service of the representative watandar whose turn it is to perform the duties.

(*3*) If the person or persons so nominated be other than the representative watandar whose turn it is to perform the duties, he or they shall for all the purposes of this Act be deemed to be the duly appointed deputy or deputies of the said representative watandar.

[2]41. If in the case of a watan in which the representative watandars are entitled to perform the duties in successive periods, the representative watandars shall not appear at the time and place appointed under the provisions of the last preceding section, or shall fail to nominate an officiator, or the requisite number of officiators, unanimously, then the provisions of this Act as to service by the representative watandar entitled to officiate and as to appointment of deputies shall apply. Mode of appointment if representative watandars fail to nominate officiator.

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[1] Section 38 was substituted by s. 3 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886). As to the local repeal of s. 38, *see* Bom. 6 of 1887.

[2] As to the local repeal of ss. 39, 40, 41, 42 and 43, *see* Bom. 6 of 1887.

[3] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

PART VIII.

OFFICIATING WATANDARS AND DEPUTIES.

Representative watandar to perform duties of office.

[1]**42.** Every representative watandar whose duty it is to officiate shall, if a fit and proper person, perform the duties of the hereditary office himself on being so required by the Collector, but may be permitted by the Collector to appoint a deputy.

Collector to determine number of officiators required.

[1]**43.** The Collector shall determine the number of officiators required for the proper performance of the duties of any office from time to time, and for this requirement may call upon the representative watandar aforesaid to appoint a sufficient number of fit and proper persons as deputies, or may direct service in successive periods by representative watandars who have hitherto served or are serving contemporaneously.

44. [*Collector to appoint deputy if watandar fails.*] *Rep. Bom. III of 1910.*

Collector when to refuse service of representative watandar or of deputy nominated by him.

[2][[3]**45.** The Collector shall refuse to accept the service of any representative watandar or of any person nominated by a representative watandar to be his deputy, if such representative watandar or person—

(*a*) is under eighteen years of age;

(*b*) has not passed such educational test, if any, as [4][the Provincial Government] think fit from time to time to prescribe in this behalf;

(*c*) has attained sixty years of age, except when such person's appointment or continuance in office is specially permitted by the Collector;

(*d*) is in the opinion of the Collector disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body;

(*e*) has been adjudged by the Collector after a summary inquiry held in accordance with the provisions relating to summary inquiries contained in the [5]Bombay Land-Revenue Code, 1879, to be of general bad character; Bom. V of 1879.

[6][(*ee*) is considered by the Collector to be unfit for office on the ground that he is a wilful defaulter in respect of land revenue or any sum expressly declare by any law for the time being in force to be recoverable as an arrear of land revenue;]

(*f*) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the [7][Commissioner] is hereby empowered to make, if he shall think fit, in this behalf;

(*g*) declines to forsake, whilst officiating, some other employment which is in the opinion of the Collector incompatible with the due discharge of the duties of the office;

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[1] As to the repeal of ss. 39,40,41,42 and 43, *see* Bom. 6 of 1887.

[2] Section 45 was substituted by s. 9 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

[3] As to local repeal of s. 45, *see* Bom. 6 of 1887.

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] *Infra.*

[6] Clause (*ee*) was inserted by s. 2 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[7] This word was substituted for the words "Governor in Council" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[1][(*h*) has been removed from office or declared to be ineligible for re-employment under section 58 unless his re-employment is expressly sanctioned by [2][the Commissioner].]

[3][[4]**46.** If an officiator at any time becomes unfit to officiate for any of the reasons specified in section 45, the Collector shall remove him from office and, subject to the other provisions of this Part, appoint another officiator.

Power to remove officiator or deputy of representative watandar who becomes unfit to officiate.

A deputy appointed by a representative watandar may at any time be removed from office by the Collector at the request of the representative watandar, if, in the opinion of the Collector, there are good grounds for such requests.]

[3][[4]**47.** If a representative watandar whose duty it is to officiate is rejected or removed under section 45 or 46, he may, subject to the provisions of section 49, appoint a deputy :

Procedure when representative watandar is rejected or removed.

Provided that, whenever such representative watandar ceases to be disqualified under section 45, he shall become entitled, if otherwise fit, to serve in person in supersession of any such deputy, or to serve in person or (subject to the provisions of section 42) to appoint a deputy in supersession of any deputy appointed by the Collector.]

[3][[4]**48.** If a deputy dies or resigns, or is rejected or removed by the Collector under section 45 or 46, the representative watandar whose duty it is to officiate may himself if otherwise fit, perform the duties in place of such deputy or, subject to the provisions of sections 42 and 49, appoint another deputy.]

Procedure when a deputy is rejected or ceases to officiate.

[3][[4]**49.** The Collector, instead of the representative watandar whose duty it is to officiate, shall himself appoint a deputy in any of the following cases :—

Cases where Collector, instead of the representative watandar, shall appoint a deputy.

(*a*) where the representative watandar is disabled by lunacy or imbecility of mind from appointing a deputy ;

(*b*) where the representative watandar is disqualified under clause (*e*), (*f*) or (*h*) of section 45, whether or not he was a representative watandar at the time of his incurring such disqualification ;

(*c*) where the representative watandar fails to comply with any requisition of the Collector to serve in person or to appoint a deputy under section 42, 43, 47 or 48, within two months from the date thereof ;

(*d*) where the first person nominated by the representative watandar is rejected under section 45, and the second person nominated is also rejected under that section ;

(*e*) where the representative watandar declines to appoint a person as his deputy in accordance with section 53 ;

(*f*) where a deputy appointed by the Collector under any of the above clauses dies or resigns.]

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[1] Clause (*h*) was inserted by s. 2 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[2] These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[3] Sections 46, 47, 48 and 49 were substituted by s. 2 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[4] As to local repeal of ss. 46 to 49, *see* Bom. 6 of 1887.

50. [*Collector may nominate deputy if representative watandar is rejected or removed.*] *Rep. Bom. III of 1910.*

Female cannot officiate, but may nominate deputy.

[1]**51.** No female shall perform in person the duties of any hereditary office; but if a representative watandar or the guardian of a representative watandar, she may appoint a deputy.

Mamlatdar or Mahalkari to appoint deputy when officiator is suspended.

[1]**52.** During the suspension of an officiating representative watandar or deputy, and during any vacancy, the duties shall temporarily be performed by a substitute, whether a watandar or not, appointed by the [2][Mamlatdar or the Mahalkari, as the case may be].

Deputy must ordinarily be a member of the same family as the representative watandar whose duty it is to officiate.

[3][[1]**53.** Except as is otherwise provided in the last preceding section and in section 56, and, except as the [4][Provincial Government] shall by a general or special order from time to time otherwise direct, every deputy appointed under this Act shall be a member of the same family to which the representative watandar whose duty it is to officiate belongs, if there be a member of such family fit and willing to officiate [5][or, in default of such member, a watandar of the same watan who is fit and willing to officiate and who is descended from the same original watandar as the representative watandar whose duty it is to officiate.]

[6]* * * * * *

Term of appointment of deputy.

[1]**54.** When the Collector appoints a deputy, it shall be for a term not exceeding five years.

When a watandar entitled to officiate appoints a deputy, it shall be for a term not less than five years or for life. The term of appointment of a deputy shall cease and determine on the right of his principal ceasing, or on the death of his principal, and any appointment of a deputy on behalf of a representative watandar under the age of eigteen years shall terminate on the attainment by such representative watandar of that age.

Officiator if absent or ill may appoint a temporary substitute.

[1]**55.** In the event of temporary absence or illness, an officiator may arrange with any fit person for the temporary conduct of the duties, but shall be liable in the penalties prescribed in sections 57 to 61 [7]* * *.

Head of family when to be treated as watandar.

[8]**56.** When the hereditary right to perform the duties of an hereditary office as deputies of the original watandar is vested in a family distinct from that of the original watandar, the custom shall be recognized, and the heads of the family entitled to perform the duties shall be registered and treated as representative watandars.

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[1] As to local repeal of ss. 51 to 55, *see* Bom. 6 of 1887.

[2] These words were substituted for the word "Collector" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[3] Section 53 was substituted by s. 12 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] These words were added by s. 2 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[6] The following paragraph was repealed by s. 2, *ibid*:—

"If a representative watandar declines to appoint as his deputy any such person as aforesaid, the appointments shall be made by the Collector."

[7] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

[8] As to the local repeal of ss. 56 to 58 *see* Bom. 6 of 1887.

PART IX.

PENALTIES.

[1]57. It shall be lawful for the Collector to suspend any officiator from office during inquiry into alleged misconduct, and to punish any such officiator for misconduct or neglect of duty by suspension from office for a period not exceeding six months, or by fine not exceeding the fourth part of the annual emolument provided for the officiator. The order of the Collector shall be final in such cases, except when the penalty is inflicted on an hereditary district officer. Punishment of officiators.

[1]58. It shall be lawful for the Collector, with the previous sanction of [2][the Provincial Government], in case of fraud, the wilful framing of incorrect records, habitual neglect of duty, or other grave misconduct on the part of an officiator, to remove him from office [3][or, if he has ceased to officiate, to declare that he is ineligible for re-emloyment in any hereditary office except with the sanction of [2][the Provincial Government]]. Collector may remove officiator with the sanction of Provincial Government.

59. [*Officiator removed from office ineligible for re-employment.*] *Rep. Bom. III of 1910.*

[4][60. When any representative watándar or any deputy or substitute appointed by him is convicted by a criminal Court not inferior to a Court of Session of any offence in the discharge of his official duties, or of any of the offences specified in the second schedule or of the abetment of any such offence, and such conviction is not subsequently reversed or quashed, the [5][Provincial Government] may, [6]* * * Provincial Government may direct the forfeiture of a watan.

[6][(*a*) if the offence be committed in the discharge of his official duties or be any of those enumerated in Schedule II (2) to (6), direct the forfeiture of the life interest of the person convicted or, if he be not the representative watandar also of the representative watandar;

(*b*) if the offence is as is described in Chapter VI of the Indian Penal Code, direct the forfeiture of the whole or of any part of any watan in which he has an interest. Such forfeiture may be either absolute or for such period as the [5][Provincial Government] thinks fit.]

[7]61. All deputies appointed under this Act shall be subject to the same rules in the performance of the duties of their offices, and to the same penalties, except as otherwise provided, as the representative watandars themselves are subject to when officiating, and in the case specified in section 58 of this Act, it shall be lawful for [2][the Provincial Government] to direct the forfeiture of the life interest in the watan of the repesentative watandar entitled to officiate, whether the officiator guilty of misconduct be such representative watandar himself or a deputy appointed by him: Forfeiture of life interest of officiator and deputy for misconduct of deputy.

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[1] As to the local repeal of ss. 56 to 58 *see* Bom. 6 of 1887.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were added by s. 2 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[4] Section 60 was substituted by s. 13 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886). As to the local modification of s. 60, *see* Bom. 6 of 1887.

[5] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[6] The words "direct the forfeiture of the whole or of any part of any watan in which he has an interest. Such forfeiture may be either absolute or for such period as the Governor in Council thinks fit" were deleted and Clauses (*a*) and (*b*) were inserted by Bom. 11 of 1925, s. 2.

[7] As to the local repeal of ss. 61 and 62 *see* Bom. 6 of 1887.

[1][Provided that the [2][Provincial Government] shall not direct under this or the preceding section the forfeiture of any watan or part thereof belonging to a person other than the one so convicted or found guilty, unless it is proved to [3][its] satisfaction that that person had previous knowledge of or connived at the offence or misconduct.]

Order to be passed after investigation.

[4]62. No order shall be passed under this part except upon perusal of the judgment of a Court [5][if any and after investigation recorded in writing in which an opportunity of being heard either in person or through pleader shall be given to the party against whom any such order is proposed to be passed.]

PART X.

INFERIOR VILLAGE HEREDITARY OFFICES.

Application of Part X.

63. This part applies only to hereditary village offices of lower degree than that of Patel or Kulkarni.

Powers granted to Collector.

64. [6][(*1*)] The Collector is empowered, subject to the general control of [7][the Provincial Government]—

(*a*) to register the names of individual watandars as holders of the office, or to register it as held by the whole body of watandars;

(*b*) to determine, when individual names are so registered, the rights, duties and responsibilities among themselves of the persons so registered, and the mode in which they shall be selected to perform the duties, whether by selection by the Collector or by defined rotation, or by election by the watandars or otherwise, as may be expedient;

(*c*) to require, in cases where the registration is made in the name of the whole body of watandars, that they appoint so many fit persons as may be necessary to perform the duties which the Collector may assign to them severally and jointly; such appointment to be made within a reasonable time to be previously fixed and notified to them by the Collector. In default of such appointment being made, the Collector may himself appoint;

(*d*) to provide for and enforce the joint responsibility of the whole body for the neglect of duty or misconduct of any of their number or their representatives and in cases where the crime of cattle poisoning is prevalent, with the sanction of [7][the Provincial Government] to attach, during the pleasure of [7][the Provincial Government], the watans of the persons whom he may have reason to believe to have been guilty of, or to have connived at, the commission of the crime;

[8][(*e*) to pass orders in regard to the dismissal of persons officiating;]

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[1] The proviso to section 61 was inserted by Bom. 11 of 1925, s. 3.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The word "its" was substituted for the word "his", *ibid.*

[4] As to ocal repeal of ss 61 and 62 *see* Bom. 6 of 1887.

[5] These words were substituted for the words "or after investigation recorded in writing" by Bom. 11 of 1925, s. 4.

[6] Section 64 was renumbered as s. 64 (1) by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[7] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[8] Clause (*e*) was substituted by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[1][(*f*) to permit the watandar whose duty it is to officiate, to appoint a deputy for performing the duties of his office.]

[2][(*2*) The Collector, when he is satisfied that a person who produces a decree or order of a competent court is entitled to have his name entered in the register as nearest heir of a deceased watandar in preference to the name of a person already entered in the said register as such heir, provided that the said order or decree is produced within six years of the date of the entry in the said register sought to be amended, shall amend the said entry in the said register accordingly.

The Collector to amend entry on register.

[2](*3*) The Collector is empowered to delegate to the Mamlatdar or Mahalkari the powers exercisable by him under clause (*a*) of sub-section (*1*)].

The Collector may delegate certain powers to Mamlatdars and Mahalkaris.

[3][(*4*) The Mamlatdar and the Mahalkari are empowered to pass orders in regard to the appointment, remuneration, period of service, suspension and fining of persons officiating, the grant of leave of absence and other matters of discipline not expressly provided for by this or any other law for the time being in force.]

Powers granted to Malatdar and Mahalkari.

PART XI.

THE REGISTER.

65. The Collector shall prepare and keep all Registers necessary for the purposes of this Act in the form which [4][the Provincial Government] may from time to time prescribe. There shall be one Register of lands and allowances in consideration whereof liability to perform service exists and another of lands and allowances in respect of which no such liability exists.

Collector to prepare and keep Register.

66. In the Register of lands and allowances the holders whereof are exempt from service, the Collector shall specify—

Non-Service Register what to contain.

(*a*) the area of the lands, the survey number and assessment, the quit-rent leviable, and the net revenue alienated by [5][the Crown];

(*b*) the amount and nature of the cash or other allowances, and the source from which they are payable;

(*c*) the terms of the settlement under which the exemption is enjoyed;

(*d*) the names of the parties to such settlement with [5][the Crown] as indicated in the Sanads issued to them;

(*e*) such other particulars as [4][the Provincial Government] may from time to time order to be recorded.

[6]**67.** In the Register of lands and allowances in consideration whereof liability to serve still exists, the Collector shall specify—

Service Register what to contain.

(*a*) the area of the lands, the names of the occupants, the survey number and assessment, the quit-rent, if any, leviable, and the net revenue alienated by [5][the Crown], the amount and nature of the cash or other allowances, the source

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[1] Clause (*f*) was inserted by Bom. 15 of 1931, s. 2.

[2] Sub-sections (*2*) and (*3*) were inserted by Bom. 12 of 1932, s. 2.

[3] Sub-section (*2*) which was added by s. 2 and Sch. I of Bom. 3 of 1915 was renumbered as sub-section (*4*), *ibid*.

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "the Crown" were substituted for the word "Government", *ibid*.

[6] As to the local repeal of s. 67, *see* Bom. 6 of 1887.

from which they are payable, and the land and allowances assigned for the remuneration of officiators;

(*b*) the names of the heads of families and of the representative watandars;

(*c*) whether the service is performed by one representative watandar or otherwise: if by several in successive periods, the order in which they are to succeed each other;

(*d*) the proportional share of the watan possessed by each head of family which may be expressed in annas or fractions of a rupee;

(*e*) the number of officiators required to perform the duties;

(*f*) the nature of the settlement of inferior village watans referred to in Part X [1]* * *

(*g*) such other particulars as [2][the Provincial Government] may (from time to time) order to be recorded.

Register to be corrected.

68. The Register kept under this Act shall be corrected or added to on the occasion of any change being made in accordance with the provisions of this Act in the particulars above specified.

PART XII.

MISCELLANEOUS.

Service to be performed by watandars.

[3]**69.** All watandars of whatever denomination whose liability to serve has not been commuted are legally bound, subject to the provisions of this Act, to render such service as has been customary or as is required by law.

Watan records the property of the Crown.

[4][**70.** All records which have been or may be prepared by any watandar or by any officiator in an hereditary office in pursuance of the duties of the office, or by order of a superior officer or of the present or former Government, are hereby declared to be the [5][property of the Crown for the purposes of the Province], and the [6][Mamlatdar or the Mahalkari] may enforce their production or the production of any State records in the possession of a watandar or of an officiator, in accordance with the provisions of sections 25 and 26 of the Bombay Land Revenue Code, 1879.] Bom. V of 1879.

Watandars may sign village records.

71. With regard to hereditary offices not inferior to that of Patel or Kulkarni, it is hereby declared that every head of family shall have the privilege of signing the abstract of village land and revenues or other village papers which it may be customary for him to sign.

PART XIII.

PROCEDURE AND APPEALS.

Evidence to be taken.

72. (*1*) It shall be lawful for the Collector or other officer conducting an investigation under this Act to take evidence, and in sections 193 and 228 of the [7]Indian Penal Code the words "judicial proceeding" shall be taken to include any proceeding under this Act. XLV of 1860.

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Sch. B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] As to the local repeal of ss. 69 and 71, *see* Bom. 6 of 1887.

[4] Section 70 was substituted by s. 14 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

[5] The words "property of the Crown for the purposes of the Province" were substituted for the words "property of Government" by the Adaptation of Indian Laws Order in Council.

[6] These words were substituted for the word "Collector" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[7] Central Acts.

(*2*) Every person who shall have been summoned to give evidence or to produce any document in his possession, by the Collector or other officer conducting an investigation under this Act, shall be legally bound to attend, or to produce such document.

[1]**73.** (*1*) Except as hereinafter provided in clause 2 of this section, no order under Part III [2]* * * directing commutation of a watan, or under Part V [2]* * * assigning the remuneration of officiators, or under Part VI [2]* * * determining the custom of the watan as to service and what persons should be registered as heads of families or representative watandars, or under Part VII [2]* * * determining the periods of service, shall be passed, unless after an investigation recorded in writing and a proper opportunity afforded for the hearing of claims and the production of evidence. Orders under Parts III, V, VI and VII to be passed after investigation in writing.

In each such investigation, and in removals from office under section 58 [2]* * * the Collector or other officer shall record his decision with the reasons therefor in his own handwriting.

(*2*) Unless the [3][Provincial Government] shall otherwise direct, decisions passed subsequently to the year 1866 after an investigation recorded in writing, and after a proper opportunity had been afforded for the hearing of claims and the production of evidence, and which are recorded, with the reasons therefor, in the handwriting of a Collector or his Assistant or Deputy, shall be accepted, in so far as they may not be inconsistent with the provisions [4][of this Act] in lieu of fresh investigation and decision under this Act for the purpose of framing the register required in section 67 [5]* * *. If any details necessary for the said register have not been recorded in any decision of the nature described above, but are forthcoming from the evidence taken in connection with such decision, they may be supplied from such evidence in lieu of fresh investigation for the completion of the register. Such details as may not be forthcoming shall be obtained by such further investigation as the Collector may deem necessary. Certain decisions passed since 1866 to be accepted in lieu of fresh investigation.

74. The proceedings of the Collector shall be under the general control of the [6]* * * Commissioner [6]* * * and of [7][the Provincial Government.] Control of proceedings of Collector.

75 The Collector may [8][save in respect of any matter in which he has de egated his powers to a Mamlatdar or Mahalkari under sub-section (*2*) of section 64], require any investigation under Part X [2]* * * * to be made by a Mamlatdar or Mahalkari, but the decision thereon shall be made by the Col ector. Mamlatdar may make investigation under Part X.

76 No appeal shall lie from any order made under section 64, clause (*e*) [2]* * * before fina order, nor from any order registering any fact specified under section 67, clauses (*b*), (*c*), (*d*) and (*e*) [2]* * * where the effect of such order is merely to register the same facts as are already recorded in the existing registers kept according to law or under the orders of [7][the Provincial Government.] No appeal to lie save where specially provided.

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[1] As to local repeal of part of s. 73, *see* Bom. 6 of 1887.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Sch. B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] These words were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), and re-inserted by the Amending Act, 1895 (16 of 1895).

[5] The word "thereof" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[6] The word "Revenue" and the words and figures "appointed under Regulation V of 1830, or other law in force for the time being" were repealed by the Bombay General Clauses Act, 1886 (Bom. III of 1886), Sch. B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[7] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[8] These words were inserted by Bom. 12 of 1932, s. 3.

Appeals.

77. Except as hereinbefore provided, one appeal only shall lie from every decision passed after investigation recorded in writing by a Collector, or by an Assistant Collector, or Deputy Collector [1][or from every decision passed by a Mamlatdar or Mahalkari exercising the powers delegated to him under sub-section (*2*) of section 64] [2]* * *.

Such appeal, if from the decision of an Assistant Collector, or Deputy Collector [1][or Mamlatdar, or Mahalkari] [2]* * * shall lie to the Collector and shall be made within sixty days from the date of the order appealed against.

Such appeal, if from the decision of the Collector, shall lie to the [3]* * * Commissioner, and shall be made within ninety days from the date of the order appealed against.

In computing the above periods the time required to prepare a copy of the order or decision appealed against shall be excluded.

Copy of order to accompany petition of appeal. Appeal may be summarily rejected.

78. Every petition of appeal shall be accompanied by a copy of the order or decision appealed against: and it shall be competent for the officer before whom the appeal is presented to reject the appeal if on perusal of the petition it appears to him that there is no sufficient ground for questioning the correctness of the decision, or for interfering with the order appealed against.

Provincial Government may call for proceedings.

79. [4][The Provincial Government] may call for and examine the record of the proceedings of any officer for the purpose of satisfying itself as to the legality or propriety of any order passed, and may reverse or modify the order as shall seem fit, or, if it seem necessary, may order a new inquiry.

[5][[4][The Provincial Government] may delegate all or any of its powers under this section, except the power to revise an order made by a Collector under section 25, to any Commissioner, and such Commissioner may thereupon exercise such powers within the local limits of his jurisdiction, subject to the revisional powers of [4][the Provincial Government] under this section, and to any restrictions that [4][the Provincial Government] may deem fit to impose.]

Notice how to be served.

80. Service of any notice given under this Act shall be deemed to have been made by the notice being affixed in writing to the wall of the village chavdi or other public place in the village not less than seven days before action is required to be taken by any person thereon.

Recoveries how to be made.

81. All recoveries of profits from land, assessments, emoluments or penalties under this Act, may be made as provided by any law for the time being in force relating to the recovery of the land-revenue.

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[1] These words were inserted by Bom. 12 of 1932, s. 4.

[2] The words and figures "empowered under the provisions of Bombay Act I of 1868" and the words "so empowered" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Sch. B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[3] The word "Revenue" was repealed by the Amending Act, 1895 (16 of 1895).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] This paragraph was added by s. 2 (*10*) of the Bombay Hereditary Offices Act, 1919 1910 (Bom. 3 of 1910).

82. [1][The Provincial Government] may frame rules not inconsistent with this Act for the guidance of its officers in cases not expressly provided for, and may from time to time modify or revoke any such rules. Provincial Government to frame rules.

83. Except as is otherwise provided in section 18 [2]* * * [1][the Provincial Government] shall have power, in cases where doubt exists, to determine what duties appertain to any hereditary office. Provincial Government to determine duties of hereditary officers.

84. The [3][Provincial Government] may from time to time confer on any officer specially selected for the purpose [4][or, so far as concerns any alienated village, on the holder or on any of the holders of such village or on any agent of the holder of such village] all or any of the powers and duties which under this Act are required to be performed by a [5]* * Commissioner or a Collector, and may authorize the delegation to any Mamlatdar or Mahalkari of the power to fine hereditary village officers in sums not exceeding two rupees. Grant of powers to Special Officer.

[6][Powers and duties conferred under this section shall be exercised or performed subject to such conditions, if any, in addition to those specified in this Act, as the [3][Provincial Government] shall from time to time think fit to prescribe, and any order conferring powers and duties under this section may at any time be cancelled by the [3][Provincial Government].]

85. Nothing in this Act contained shall be deemed to affect [7]Bombay Act VIII of 1867 or any other law for the time being in force, defining the duties and powers of village officers or imposing penalties for misconduct and all references in such laws to [8]Act XI of 1843 shall be taken as made to this Act. Act not to affect Bombay Act VIII of 1867.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] These words were inserted by s. 15 (*1*) of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

[5] The word "Revenue" was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[6] This paragraph was added by s. 15 (*2*) of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

[7] The Bombay Village Police Act, 1867.

[8] Act 11 of 1843 was repealed by s. 2 of this Act.

SCHEDULE.

[*Enactments repealed.*] *Rep. Act XII of 1876.*

SECOND SCHEDULE.[1]

Offences referred to in section 60.

Description of offence.	Sections of the Penal Code under which punishable.
(1) Every offence described in Chapter VI of the [2]Indian Penal Code.	121, 121A, 122—124, 124A, 125—130. XLV of 1860
(2) Causing disappearance of evidence of any offence committed, or giving false information touching it to screen the offender, when the offence committed is a capital offence, or punishable with transportation for life or imprisonment for ten years.	201
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(4) Taking gift, etc., to screen an offender from punishment, if such offender's offence be capital, or punishable with transportation for life or with imprisonment for ten years.	213
(5) Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if such offender's offence be capital or punishable with transportation for life or with imprisonment for ten years.	216
[3](6) Harbouring robbers and dacoits	216A

[1] This schedule was added by s. 16 of the Bombay Hereditary Offices (Amendment) Act, 1886 (Bom. 5 of 1886).

[2] Central Acts.

[3] This entry was added by s. 2 (*11*) of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

THE TOLLS ON ROADS AND BRIDGES ACT, 1875.

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5. Exemptions from toll.
   Provincial Government may grant other exemptions.
6. Police-officers bound to assist toll-collectors.
7. Penalty on unauthorised person demanding tolls, and for illegal demands.
8. Table of tolls to be put up at gate or station.
9. Collectors of tolls may compound for tolls.
10. Power of Provincial Government to lease the levy of tolls.
11. Acts of lessee or his agent.
12. [*Repealed.*]

SCHEDULE.

BOMBAY ACT No. III OF 1875.[1]

[THE TOLLS ON ROADS AND BRIDGES ACT, 1875.][1]

[*28th December, 1875.*]

Repealed in part, by Act 16 of 1895;

" " " " " 2 of 1901;

" " " " Bom. 3 of 1886.

Repealed in part (except in the City of Bombay), by Bom. 1 of 1884.

Amended by Bom. 5 of 1881.

Amended (except in the City of Bombay), by Bom. 1 of 1884.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act for enabling Government to levy tolls on public roads and bridges in the Presidency of Bombay.

WHEREAS tolls have been levied in the Presidency of Bombay in accordance with [2]Act XV of 1864 since the thirtieth day of July, 1864, but doubts have arisen whether the said Act has been formally extended to the said Presidency; and whereas it is expedient to remove the said doubts and to consolidate in one Act the provisions for the levy of tolls upon public roads and bridges in the said Presidency; It is enacted as follows:— Preamble.

1. [3]Act VIII of 1851 is hereby repealed in so far as it affects the Presidency of Bombay. Repeal of Act VIII of 1851.

2. [*Act XV of 1864 deemed to have been extended to Bombay Presidency from 30th July, 1864.*] *Rep. Act XVI of 1895.*

3. The [4][Provincial Government] may cause such rates of tolls, not exceeding the rates mentioned in the Schedule annexed to this Act, to be levied upon any road or bridge which has been or shall hereafter be made or repaired at the expense of [5][the Crown] or from funds collected under the provisions of [6]Bombay Act III of 1869 or other funds levied under the authority and subject to the general control Rates of tolls to be levied.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1875, Pt. V, p. 92, and for Proceedings in Council, *see ibid*, pp. 104 and 108.

The short title was given by the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

No tolls leviable under this Act are to be levied within any local area notified under the Bombay Highway Act, 1883 (Bom. 1 of 1883), s. 7.

The net proceeds of certain tolls levied under this Act are to be credited to the Local Fund constituted by the Bombay Local Boards Act, 1923 (Bom. 6 of 1923), s. 74.

[2] The Indian Tolls Act, 1864, Central Acts.

[3] The Indian Tolls Act, 1851, Central Acts.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] The words "the Crown" were substituted for the words "the Government", *ibid*.

[6] *See* now Bom. 6 of 1923.

[1][of the Provincial Government], and may place the collection of such tolls under the management of such persons as may appear to [2][it] proper; and all persons employed in the management and collection of such tolls shall be liable to the same responsibilities as would belong to them if employed in the collection of the land revenue [3]* * * * * *.

"Persons" defined.

[4][*Clause 2.*—The word "persons" in this section shall be deemed to include local boards established under the [5]Bombay Local Boards Act, 1884.]

Bom. I of 1884.

Procedure in case of non-payment of tolls.

4. In case of non-payment of any such toll on demand, the officers appointed to collect the same may in the first place seize any part of the burden or load of the carriage or animal on which the toll is chargeable, of sufficient value to defray the toll, or, in the event of the burden or load being insufficient, such carriage or animal;

and, if any toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the officer appointed to superintend the collection of the said toll, who may sell the property seized for discharge of the toll and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned on demand to the owner of the property; and the said officer on receipt of the property shall forthwith issue a notice, that at noon of the next day, exclusive of Sunday or any close holiday, he will sell the property by auction:

Provided that if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the toll payable by him, the said officer shall forthwith release the property seized.

Exemptions from toll.

Provincial Government may grant other exemptions.

5. No tolls shall be paid for the passage [6]* * * * * * of Police-officers on duty, or of any person or property in their custody. And it shall further be lawful for [7][the Provincial Government], by notification in the [8][Official Gazette], to grant and define other exemptions from payment of the tolls levied under this Act.

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[1] The words "of the Provincial Government" were substituted for the words "of Government" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "him", *ibid.*

[3] The words "until such rates of tolls shall be fixed by the Governor in Council, the tolls now levied shall continue to be levied by persons under whose management the same are now collected, who shall be held to have been appointed under the provisions of this Act," were repealed by the Amending Act, 1895 (16 of 1895).

[4] Clause 2 was substituted by s. 77 of the Bombay Local Boards Act, 1884 (Bom. 1 of 1884), which is repealed by Bom. 6 of 1923.

[5] *See* now Bombay Local Boards Act, 1923 (Bom. 6 of 1923).

[6] The words "of troops and military stores and equipages on their march or" were repealed by s. 3 of the Indian Tolls (Army) Act, 1901 (2 of 1901).

[7] The words "the Provincial Government" were substituted for the words "His Excellency the Governor in Council" by the Adaptation of Indian Laws Order in Council.

[8] The words "Official Gazette" were substituted for the words "Government Gazette", *ibid.*

6. All Police-officers shall be bound to assist the toll-collectors, when required, in the execution of this Act, and for that purpose shall have the same power which they have in the exercise of their ordinary police duties. Police-officers bound to assist toll-collectors.

7. Every person, other than the persons appointed to collect the tolls under this Act, who shall levy or demand any toll on any public road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and extortionately demand or take any other or higher toll than the lawful toll, or under colour of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money or any valuable thing from any person under colour of this Act, shall be liable, on conviction before a Magistrate, to imprisonment [1]* * * for any term not exceeding six [1]* * months, or to fine not exceeding rupees two hundred, any part of which fine may be awarded by the Magistrate to the person aggrieved, but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the district. Penalty on unauthorized person demanding tolls, and for illegal demand.

8. A table of the tolls authorised to be taken at any toll-gate or station, legibly written or printed in English words and figures, and also in those of the vernacular language of the district, to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the tolls and for taking any unlawful toll, shall be furnished by Government to the collector of tolls, and the same shall by him be kept in a conspicuous place near such gate or station. Table of tolls to be put up at gate or station.

9. Any person entrusted with the management of the collection of tolls under this Act may in his discretion compound for any period, not exceeding one year, with any person for a certain sum to be paid by such person for himself or for any vehicle or animal kept by him, in lieu of the rates of tolls specified in the Schedule to this Act. Collectors of tolls may compound for tolls.

[2][10. It shall be lawful for the [3][Provincial Government] to lease the levy of tolls at such rates not exceeding the rates mentioned in the Schedule annexed to this Act upon any public road or bridge by public auction or private contract from year to year or for a longer period not exceeding seven years on such terms and conditions as the [3][Provincial Government] may deem desirable: Power of Provincial Government to lease the levy of tolls.

Provided that the lessee shall give security for the due fulfilment of such conditions, and that all sums payable under the terms and conditions of the lease shall be recoverable as a demand for the land-revenue under the law for the time being in force so far as applicable.]

[2][11. When the tolls on any public road have been duly leased, the lessee, and every person employed by the lessee as his agent for collecting the tolls, shall be Acts of lessee or his agent.

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[1] The words "of either description" and the word "calendar" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] Ss. 10 and 11 were inserted by s. 2 of the Tolls on Roads and Bridges Act (Amendment) Act, 1881 (Bom. 5 of 1881).

[3] The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

deemed to be persons appointed to collect tolls under this Act, and shall exercise all the powers and be subject to all the responsibilities attaching to persons appointed to collect tolls under this Act.]

[1]12. [*Application of tolls.*] *Rep. Bom. I of 1884.*

SCHEDULE.

	Rs.	a.	p.
On every four-wheeled carriage on springs	1	0	0
On every two-wheeled carriage on springs	0	8	0
On every ekka or hackery on springs	0	2	0
On every cart and hackery not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if laden	1	0	0
Ditto, if not laden	0	8	0
On every cart and hackery not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	12	0
Ditto, if not laden	0	6	0
On every cart and hackery not on springs drawn by 4 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	8	0
Ditto, if not laden	0	4	0
On every cart and hackery not on springs drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden	0	4	0
Ditto, if not laden	0	2	0
Buffaloes, or bullocks, per head, if laden	0	1	0
Ditto ditto if not laden	0	0	6
On every elephant	1	8	0
On every camel, if laden	0	4	0
Ditto, if not laden	0	2	0
On every horse, if laden or ridden	0	1	6
Ditto, unladen or led	0	0	9
On every pony or mule, if laden or ridden	0	0	9

[1] S. 12 which is repealed by s. 2 and schedule to the Bombay Local Boards Act, 1884 (Bom. 1 of 1884), except in the City of Bombay, is as follows :—

"The nett proceeds of the tolls and leases of tolls under this Act shall be applied wholly to the construction, repair and maintenance of roads and bridges within the Presidency of Bombay :

Provided that the nett proceeds of tolls and leases of tolls on roads or bridges constructed by or belonging to any local fund committee shall be applied to the construction and maintenance of roads or bridges in the district under the superintendence of such local fund committee."

SCHEDULE—*contd.*

	Rs.	a.	p.
On every pony or mule, unladen or led	0	0	6
On every ass, if laden or ridden	0	0	6
Ditto, unladen or led	0	0	3
On every sheep or goat or pig	0	0	1
On every palankin, duli, palna or tonjon, with 8 bearers	1	0	0
Ditto ditto ditto with 6 bearers	0	12	0
Ditto ditto ditto with 4 bearers	0	8	0
On every foot-passenger with the special sanction of Government on bridges or hill roads	0	0	3

Explanation I.—Animals drawing any vehicle for which toll can be demanded are not to be also charged with toll.

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THE BOMBAY CITY LAND-REVENUE ACT, 1876.

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BOMBAY ACT No. II OF 1876.[1]

[THE BOMBAY CITY LAND-REVENUE ACT, 1876.]

[*26th October, 1876.*]

Repealed in part, by Bom. 3 of 1886;
,, ,, ,, ,, Act 38 of 1920.
Amended by Act 16 of 1895;
,, ,, Bom. 3 of 1900;
,, ,, ,, 1 of 1910;
,, ,, ,, 4 of 1915;
,, ,, ,, 2 of 1919.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 49 of 1947;
,, ,, ,, 9 of 1949.

An Act to amend the Law relating to the Land-Revenue Administration of the City of Bombay.

WHEREAS it is expedient to amend the law relating to the assessment and collection of the land-revenue, to provide against encroachments upon public property, to ensure the preservation of survey-boundary-marks, and otherwise to improve the existing land-revenue administration in the City of Bombay; It is enacted as follows:— Preamble.

PART I.

PRELIMINARY.

1. This Act may be cited as "The Bombay City Land-Revenue Act, 1876". Short title.

It extends only to the City of Bombay. Extent.

2. So much of Regulation XIX of 1827 as has not been already repealed is hereby repealed. Regulation XIX of 1827 repealed.

All references made in any Act or Regulation to any part of the said Regulation XIX of 1827 hereby repealed shall be read as if made to the corresponding portion of this Act.

And all rules prescribed, appointments made, powers conferred, orders issued, and notifications published under the said Regulation, and all other rules (if any) now in force and relating to any of the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, issued and published hereunder.

And all proceedings now pending, which have been commenced under any part of the said Regulation XIX of 1827 hereby repealed shall be deemed to have been commenced under this Act, and shall hereafter be conducted in accordance with the provisions of this Act.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1875, Pt. V, p 89; *ibid*, 1876, p. 201, for Report of the Select Committee, *see ibid*, 1875, p. 132, and for Proceedings in Council, *see ibid*, 1875, p. 103, and *ibid*, 1876, pp. 144, 153, 185 and 211.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context—

[1][(*1*) "Collector" or "Collector of Bombay" means the Collector of Land-revenue, Customs and Opium, Bombay, or such officer as [2][the Provincial Government] conformably to law may appoint in this behalf;]

(*2*) the words "land-revenue" signify any sum of money legally claimable by [2][the Provincial Government] from any person on account of any land, or interest in or right exercisable over, land held by or vested in him, under whatever designation such sum may be payable;

(*3*) the words "survey-boundary-mark" mean, primarily, any iron or other mark set up by the officers who conducted the Bombay City-survey hereinafter described, and include any such new mark that may hereafter be set up by the Collector or under his orders, according to the provisions of this Act;

[3][(*4*) "superior holder" means the person having the highest title under [2][the Provincial Government] to any land in the City of Bombay.]

PART II.

THE COLLECTOR OF BOMBAY AND HIS SUBORDINATES.

Chief control in revenue matters.

4. The chief controlling authority in all matters connected with the land revenue is vested in the Collector of Bombay subject to the [4][Provincial Government].

Appointment and duties of the Collector of Bombay.

5. The Collector of Bombay shall be appointed by the [4][Provincial Government] and shall exercise the powers and discharge the duties conferred and imposed on him by this Act, or by any other law for the time being in force, and, so far as is consistent therewith, all such other powers or duties as may from time to time be prescribed by the [4][Provincial Government].

His assistants and establishment how appointed;

6. The Collector shall have as many assistants and such other establishment subordinate to him as the [4][Provincial Government] [5]* * * * may from time to time sanction, and their appointment shall be made in such manner as the [4][Provincial Government] may direct.

heir duties,

The duties of the said assistants and other subordinates of the Collector shall be such as the Collector, subject to the orders of [2][the Provincial Government] may from time to time prescribe.

and powers.

Subject to the previous sanction of [2][the Provincial Government], the Collector may delegate any of his powers under this Act, or under any law which the [6][Provincial Legislature] is able to repeal or alter, to any of his assistants or other subordinates, and may at any time cancel such delegation.

Punishment for misconduct.

7. The Collector shall have power, subject to such rules as may from time to time be prescribed by [2][the Provincial Government], to fine, reduce, suspend or dismiss any of his assistants or other subordinates.

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[1] The original clause (*1*) of s. 3 was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), the present clause was inserted by the Bombay City Land-Revenue (Amendment) Act, 1900 (Bom. 3 of 1900), s. 1.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] Clause (4) of s. 3 was substituted by the Bombay City Land-Revenue (Amendment) Act, 1900 (Bom. 3 of 1900), s. 1.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] The words "under the general control of the Governor General of India in Council" were omitted by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

[6] The words "Provincial Legislature" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

PART III.

ASSESSMENT AND COLLECTION OF LAND-REVENUE.

8. It shall be the duty of the Collector, subject to the orders of [1][the Provincial Government], to fix and to levy the assessment for land-revenue. Collector to fix and levy land-revenue.

When **there is no right** on the part of the superior holder in limitation of the right of [1][the Provincial Government] to assess, the assessment shall be fixed at the discretion of the Collector subject to the control of [1][the Provincial Government].

When **there is a right** on the part of the superior holder in limitation of the right of [1][the Provincial Government], in consequence of a specific limit to assessment having been established and preserved, the assessment shall not exceed such specific limit.

9. The settlement of the assessment of each portion of land to the land-revenue shall be made with the superior holder of the same. Settlement of assessment with whom to be made.

If the said superior holder be absent and have left no known authorized agent in Bombay, or if there be a dispute as to who is entitled to be considered the superior holder of the land, the settlement may be made with the person actually in possession of the land; and any assessment so fixed shall be binding upon the rightful superior holder of the land.

Any payment made by the person in possession in accordance with the provisions of this Act shall be deemed to have been made on behalf of the superior holder.

[2][In any case wherein the superior holder or the person in possession cannot be readily ascertained, the Collector shall give notice calling on all persons claiming the right of a superior holder in or over the said land, or a right to the possession thereof, to intimate such claim to the Collector at the Collector's office.]

[3][If no person asserts such right by intimation to the Collector at the Collector's office within twenty-one days from the date of such notice, the Collector may assess such land at his discretion, and the superior holder and every person then or thereafter in possession of the land shall be liable accordingly.]

10. The superior holder of land, or, in his absence, the person actually in possession, shall be liable in person and property for the land-revenue due upon the holding. Liability for land-revenue.

[3][Arrears of land-revenue due on account of land shall, on failure by the persons interested therein to pay the same within the date specified in that behalf in a notice demanding payment posted on or near the land, be a paramount charge on the land and on every part thereof.]

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This paragraph was added by s. 2 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[3] This paragraph was added, *ibid.*

Claims of Provincial Government to have precedence.

11. The claim of [1][the Provincial Government] to any moneys recoverable under the provisions of this Act shall have precedence over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, attachment or otherwise howsoever, against any land, or the superior holder thereof.

Collector to direct to whom and when and where revenue to be paid.

12. Subject to such orders as may be passed by the [2][Provincial Government], the Collector shall from time to time give orders and make known the same by notice, to be served on all superior holders of land paying revenue, or in their absence persons in possession, regulating the persons, places and times to whom and within which the revenue payable in respect of any land shall be paid :

[3][Provided that where the assessment leviable in any case under the provisions of this Act does not exceed one rupee *per annum*, it shall be lawful for the Collector, subject to the orders of [1][the Provincial Government] to levy, in lieu of such assessment, a single lump sum of such amount as the Collector, subject as aforesaid, deems to be a fair equivalent of the assessment but not in any case exceeding thirty times the assessment.]

Notice of demand may be served after arrears due.

13. [4][If any land-revenue is not paid, at, or within, the time when it becomes payable the Collector may, on or after the day following that on which the arrears accrue due, cause a notice of demand to be served on the superior holder or on the person in possession, or on both.

Fees chargeable in respect of notice of demand.

Every person to whom any such notice is issued shall be chargeable in respect thereof with a fee not exceeding two rupees calculated according to the rates specified on this behalf in the table in Schedule A :

Provided that in no case shall the fee chargeable for any notice exceed the amount of the land-revenue in respect of which the said notice is issued.]

On default of payment, defaulter's property may be attached and sold.

If the superior holder or person in possession, as the case may be, shall, for the space of twenty days after service of written notice of demand of payment, fail to discharge the revenue due, it shall be lawful for the Collector to levy the same by attachment and sale [5][of such portion of the land on which the revenue is due or of such portion of any other property, moveable or immovable, of the defaulter, as may be required to satisfy the demand.]

Sales how held.

Such sales shall be by public auction, and shall not take place until at least fifteen days after notice thereof shall have been published in the [6][Official Gazette].

Defaulters may be arrested and confined.

If the sale of the defaulter's property shall not produce satisfaction of the demand, it shall be lawful for the Collector to cause him to be apprehended and confined in the civil jail under the rules in force at the Presidency for the confinement of debtors, for which purpose a certificate of demand under the Collector's signature sent with the defaulter shall be the sheriff's sufficient warrant, equally with the usual legal, process in ordinary cases of arrest in execution of judgment for debt :

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[3] This proviso was added by s. 2 and first schedule of the Bombay Repealing and Amending Act, 1910 (Bom. I of 1910).

[4] These paragraphs of s. 13 and the proviso were substituted for the first seventeen words of s. 13, namely, "If any land-revenue is not paid at, or within the time when it becomes payable and" by s. 4 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900.)

[5] This portion was substituted for the original portion by Bom 49 of 1947, s. 2.

[6] The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

Provided, however, that such imprisonment shall cease at any time upon payment of the sum due, and that it shall in no case exceed one day for each rupee of the said sum.

[1][**13A.** (*1*) Notwithstanding anything contained in section 13, where any immovable operty has been sold under section 13, any person either owning such propercy or holding an interest therein by virtue of a title acquired before such sale, may within thirty days of such sale apply to the Collector to have the sale set a side, on his depositing with the Collector the amount of the revenue due together with the costs of attachment and sale of such property less any amount which may since the date of attachment of such property have been received by the Collector from the defaulter. Application to set aside sale on deposit.

(*2*) Where such an application is allowed, the Collector shall make an order setting aside the sale:

Provided that no such order shall be made unless notice of the application has been given to all persons affected thereby.

(*3*) Where the sale of any immovable property is set aside under sub-section (*2*), the purchaser shall be entitled to repayment of his purchase money with interest.]

14. The Collector's decision upon any question arising out of the provisions of sections 8 to 13 [2]* * * shall, unless superseded by the Revenue Judge, be binding upon all persons whom it may concern, and shall be acted upon accordingly; but the Collector's decision shall be stayed on any such person giving security to the satisfaction of the Collector that he will, within thirty days from the date when such decision was made known to him, institute a suit before the Revenue Judge for the purpose of contesting the legality of the Collector's decision, and will fulfil the decree that may be passed against him, and will pay all costs and interest which may be so decreed; or that, if he fail to file such suit as above specified, he will, when required, pay the amount demanded. Collector's decision to be acted on in first instance; but may be stayed on security being furnished.

15. All compulsory process against a defaulter shall cease on his paying or tendering the amount demanded of him under protest to the officer executing such process, or

on his instituting a suit before the Revenue Judge to contest the legality of the demand, and furnishing security satisfactory to the Collector or Revenue Judge, that he will, pending the decision of the said suit, neither quit the jurisdiction, nor remove nor transfer any of his property therein, without providing to the satisfaction of the Collector or of the Revenue Judge for the execution of the decree. Compulsory process to cease on payment under protest, or on instituting suit and furnishing security.

16. Fees shall be payable according to the table in the Schedule A [3]* * * * on all warrants issued under the provisions of section 13 [3]* * * or the attachment and sale of the property of defaulters by the person in respect of whose property such warrants are issued, and an additional fee of four annas per diem shall be paid in like manner in respect of each peon employed, whenever the property distrained is placed in charge of any peon or peons. Fees in respect of warrant for attachment and sale of defaulter's property. Additional fee.

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[1] Section 13A was inserted by Bom. 49 of 1947, s. 3.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[3] The words "hereunto annexed" and "of this Act" were repealed, *ibid.*

PART IV.

THE REVENUE JUDGE.

Revenue Judge.

17. The Senior Magistrate of Police shall be Revenue Judge.

Duties and powers.

The Revenue Judge shall decide all suits brought before him against the Collector, or any person on his establishment, on account of land-revenue, or of acts done in their official capacities by the Collector, or any of his assistants or other subordinates.

Suits before Revenue Judge how conducted.

18. All such suits shall be commenced and the trial thereof shall be conducted according to the provisions of the general law of civil procedure for the time being in force in a District Court.

Appeals how and to whom to lie.

An appeal shall lie against a decree passed by the Revenue Judge in any such suit to the High Court on its appellate side, and shall follow the same rules as would be applicable under any law for the time being in force to appeals from the decrees of a District Court in original suits tried by it.

Decrees how executed.

The decree in any such suit, whether it be that of the Revenue Judge or of the appellate authority, shall, if it be against the Collector, be fulfilled by the Collector.

If it be against the plaintiff, it may be enforced by the Collector under section 13 [1]* * as an established revenue-demand :

Provided, however, that execution shall in either case be stayed if an appeal be made, and on the plaintiff's furnishing security similar to that described in section 15 [1]* * if the appeal be brought by him.

PART V.

THE BOMBAY CITY-SURVEY AND BOUNDARY-MARKS.

Bombay City-survey recognized.

19. [2][The latest survey completed under the authority of [3][the Provincial Government] shall be called "the Bombay City-survey"; and the demarcation of lands then made, and all the records of the said survey shall be taken as *prima facie* evidence for all proceedings under and for all the purposes of this Act :

Provided that the Collector may, on the application of the parties interested in such lands, and shall, in pursuance of a decree or order of a competent Court, cause any alteration or correction to be made of any such demarcation of lands, or of any entry in any such record.

Responsibility for maintenance and repair of boundary marks.

20. Every superior holder of land shall be responsible for the maintenance and good repair of the survey-boundary-marks of his holding and for any expenses, not exceeding five rupees for each mark, reasonably incurred on account of the same by the Collector in cases of alteration or removal.

Collector or subordinates may enter upon lands.

21. It shall be lawful for the Collector or for any of his assistants or other subordinates in that behalf duly authorised by writing under the hand of the said Collector to enter upon any lands for the purpose of inspecting the survey-boundary-marks erected thereon, or of altering, renewing or repairing such marks.

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886). Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] These words were substituted for the words and figures "The survey made under the authority of Government during the years 1865 to 1872" by s. 16 of the Bombay City Survey Act, 1915 (Bom. 4 of 1915).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

22. In the event of any survey-boundary-mark being destroyed, defaced, injured or removed, it shall be lawful for the Collector to cause to be served on the superior holder, or in his absence the person in possession of any land of which such mark designates the boundary, a requisition in writing signed by the said Collector, calling on such superior holder or person in possession to renew or repair the said mark, at his own expense, within fifteen days from the date of the service of such requisition.

Collector may require superior holders to renew or repair survey marks. Requisition how made.

23. If the said survey-boundary-mark be not renewed or repaired, within the said period, to the Collector's satisfaction, it shall be lawful for the Collector or any of his assistants or other subordinates, or other person duly authorized as hereinbefore mentioned, to enter upon any land to which the said mark appertains, and to renew or repair it; and for each such mark so renewed or repaired, it shall be lawful for the Collector to charge each superior holder or person in possession, the boundary of whose land is designated by any such mark, such sum, not exceeding rupees ten in the whole, as he may deem fit.

On default, Collector or assistants may enter and renew or repair. Charge for renewal or repair.

PART VI.

Crown Lands and Foreshore.

24. All unoccupied lands within the City of Bombay, and every unoccupied portion of the foreshore below high-water mark, shall be deemed, and are hereby declared to be, the property of [1][the Crown for the purposes of the Province], subject always to the rights of way and all other rights of the public legally subsisting.

Right of the Crown to lands and foreshore.

25. It shall be lawful for the Collector, with the sanction of [2][the Provincial Government], to dispose of any [3][lands or foreshore vested in the Crown for the purposes of the Province], in such manner and subject to such conditions as he may deem fit [4][and in any such case, the land or foreshore so disposed of shall be held only in the manner, for the period and subject to the conditions so prescribed.]

Such lands and foreshore how disposed of.

PART VII.

Encroachments.

26. In the event of any encroachment being made after the passing of this Act on any [3][lands or foreshore vested in the Crown for the purposes of the Province], it shall be lawful for the Collector or his assistants, or other subordinates, duly authorized in this behalf by writing under his hand, to summarily abate or remove any such encroachment;

Power to abate encroachments on land or foreshore vested in the Crown;

[5][and the expense incurred therefor shall be leviable from the person in occupation of the land encroached upon.]

[5][The Collector or such subordinate may, by notice posted up on or near any such land and published in the [6][Official Gazette], and in such local newspapers as

or to prohibit or require abatement of

[1] The words "the Crown for the purposes of the Province" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] The words "lands or foreshore vested in the Crown for the purposes of the Province" were substituted for the words "Government lands or foreshore", *ibid.*

[4] This portion was added by Bom. 9 of 1949, s. 2.

[5] These paragraphs were added by s. 5 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[6] The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

such encroachments under penalty of fine;

he deems fit, prohibit or require the abatement or removal of encroachments thereon, and shall fix in such notice a date, which shall be a reasonable time after such notice, on which the same shall take effect.]

[1][Every person who makes, causes, permits or continues any encroachment on any land referred to in a notice so posted, shall be liable at the discretion of the Collector to a fine not exceeding twenty-five rupees for every day during any portion of which the encroachment continues after the date fixed for the notice to take effect.]

or to charge for and assess land; and then enter it in name of encroacher.

But it shall be competent to the Collector, with the previous sanction of [2][the Provincial Government], and if the person making the encroachment so desire, to charge the said person a sum not exceeding five times the value of the land so encroached upon and to fix an assessment not exceeding five times the ordinary annual land-revenue thereupon, and then to cause the said land to be entered in his records in the name of the said person.

[3][The person who made such encroachment or who is in occupation of the land so encroached upon shall in any case also be liable to pay assessment at a rate not exceeding five times the ordinary annual land-revenue on the said land from the date when the encroachment was made ,occupation of the land for a portion of a year being counted as for a whole year.]

Value and land-revenue how calculated.

27. For the purposes of the preceding section, the value of land that has been encroached upon shall be fixed by the Collector according to the market value of similar land in the same neighbourhood at the time of such valuation.

And the annual revenue of any such land shall be assessed at the same rate as the land-revenue of similar land in the vicinity.

Encroachments made before passing of Act how dealt with.

28. In the case of any encroachment made within twenty years before the passing of this Act, the Collector may, with the sanction of [2][the Provincial Government], charge the person who made such encroachment, or who is in occupation of the land so encroached upon, a sum not exceeding double the value of the said land, and fix an assessment not exceeding double the ordinary annual land-revenue thereon, and recover arrears of land-revenue at the same rate from the date when the encroachment was made.

Encroachments before passing of Act defined.

29. For the purposes of the last preceding section, the amount by which any holding shall have been shown by the Bombay City-survey to exceed the area of such holding as entered in the Collector's previous records shall *prima facie* be held to be an encroachment.

Value and land-revenue payable in respect thereof how calculated.

And the value and land-revenue payable in respect of the same shall be calculated according to the market value of similar land in the neighbourhood, and the land-revenue chargeable in respect of the excess shall be calculated at the same rate at which the rest of the holding has been assessed.

In case there has been no such holding the assessment shall be made at such rate as the Collector, with the sanction of [2][the Provincial Government], may fix.

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[1] This paragraph was added by s. 5 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were added by s. 2 and First Schedule of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[1][**29A.** (*1*) If in the opinion of the Collector any person is unauthorizedly occupying or wrongfully in possession of, any land or foreshore vesting in the Crown for the purposes of the Province or is not entitled or has ceased to be entitled, to continue the use, occupation or possession of any such land or foreshore by reason of the expiry of the period of lease or tenancy or termination of the lease or tenancy or breach of any of the conditions annexed to the tenure, it shall be lawful for the Collector with the previous sanction of the Provincial Government to summarily evict such person in the manner provided in sub-section (*2*).

Summary eviction of person unauthorizedly occupying, etc., land or foreshore vested in the Crown.

(*2*) The Collector shall serve a notice on such person requiring him within such time as may appear reasonable after receipt of the said notice to vacate the land or foreshore, as the case may be, and if such notice is not obeyed the Collector may remove or depute a subordinate to remove him from such land or foreshore.]

[1][**29B.** (*1*) After summary eviction of any person under section 29A, any building or other construction erected on the land or foreshore or any crop raised in the land shall, if not removed by such person after such written notice as the Collector may deem reasonable, be liable to forfeiture or to summary removal.

Forfeiture and removal of property left over after summary eviction.

(*2*) Forfeitures under this section shall be adjudged by the Collector and any property so forfeited shall be disposed of as the Collector may direct and the cost of the removal of any property under this section shall be recoverable as an arrear of land revenue.]

[1][**29C.** If the officer removing any person or property under section 29A or 29B, as the case may be, shall be resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for punishment of such resistance or obstruction, issue a warrant for the arrest of the said person, and on his appearance send him with a warrant, in the form of Schedule A-A, for imprisonment in the civil jail for such period not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.]

Penalty for resisting or obstructing any officer removing any person or property.

PART VIII.

TRANSFER OF LANDS, ETC.

30. Whenever the title to any land, house or other immovable property, subject to the payment of land-revenue to [2][the Provincial Government], shall be transferred or assigned, the person transferring or assigning the same, and the person to whom the same shall be transferred or assigned, shall respectively cause notice of such transfer or assignment to be given to the Collector.

Notice of transfer of title to lands, etc. to be given to Collector.

Such notice shall be given within twenty days after execution of the instrument of transfer or assignment, or after its registration, if it be registered, or after the transfer or assignment is effected, if no instrument is executed.

Notice when to be given.

In the event of the death of any person in whose name the title to any property is entered in the Collector's records, the person to whom such title shall be transferred as heir or otherwise shall cause notice thereof to be given to the Collector within one year from such death.

Transferee by death to give notice within one year.

[1] Sections 29A, 29B and 29C were inserted by Bom. 9 of 1949, s. 3.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Form of notice.

31. The notice shall be in the form either of Schedule B or Schedule C [1]* * * * as the case may be, and shall state clearly all the particulars required by the said form.

Accompaniments.

It shall be accompanied, whenever the Collector shall deem fit so to require, by the instrument of transfer if any, [2][by a plan to be furnished of the land which is the subject of the transfer or assignment, drawn and attested by [3][such officer as the Collector may direct] and by a certificate that public notice has been given of the transfer or assignment by beat of bataki.

Penalty for neglect to give notice.

32. Every person neglecting to give the notice required by the two last preceding sections within the time therein specified, shall be liable at the discretion of the Collector to a fine not exceeding ten rupees in case of holdings paying less than one rupee as land-revenue, and in no other case exceeding rupees one hundred.

Person transferring title and omitting to give notice to continue liable for revenue.

33. Every person transferring the title to any land, house, or other immovable property subject to the payment of land-revenue to [4][the Provincial Government], without giving the notice required by sections 30 and 31, [5]* * * shall continue liable to [4][the Provincial Government] for the payment of all land-revenue accruing due in respect thereof, until he shall have given such notice or until the requisite transfer shall have been effected in the Collector's records.

But nothing contained in this section shall be held to diminish the liability of the land, house or other immovable property to attachment or sale under the provisions of section 13 [5]* * *.

Proceeding in case of dispute as to entry or transfer.

34. Whenever any dispute or question shall arise with respect to the making or completion of any entry or transfer in the records of the Collector, of or relating to any land, house or other immovable property subject to the payment of land-revenue to [4][the Provincial Government], the Collector shall summon all the parties interested in such entry or transfer, and shall call for such evidence, and examine such witnesses, as he shall consider necessary, and shall thereupon decide summarily what entry shall be made in his records in respect of such land, house or other immovable property.

If at any time a certified copy shall be produced to the Collector of an order of a competent Court determining the title to any such land, house or other immovable property, the Collector shall amend his records in conformity with such order.

Registration or transfer not to affect right of the Crown.

35. The registration or transfer of any title in the Collector's records shall not be deemed to operate so as in any way to affect any right, title or interest of [6][the Crown] in the land, house or other immovable property in respect of which any such transfer is made or registered.

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[1] The words "annexed to this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904.)

[2] These words were inserted by s. 6 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[3] These words were substituted for the words "a person of professional competence in that respect recognized by the Collector" by s. 17 of the Bombay City Survey Act, 1915 (Bom. 4 of 1915).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[6] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

PART IX.

PROCEDURE.

36. The provisions of the Civil Procedure Code in force for the time being with respect to the issue of summonses and commissions, and the compelling the attendance of witnesses, and for their remuneration, in suits before a District Court, shall apply to all persons summoned to appear before the Collector under the provisions of this Act. Law applied to summonses, etc.

[1][Any notice which the Collector or any of his subordinates is by this Act required or empowered to issue shall be deemed to have been sufficiently served, Notices how to be served

(*a*) if it is addressed to any person and has been

(*i*) delivered to such person, or

(*ii*) delivered at his abode and in his absence to any adult male member or servant of his family, or

(*iii*) sent by post in a letter addressed to him at his last known residence, address or place of business and registered under Chapter VI of the [2]Indian Post Office Act, 1898, or

VI of 1898.

(*b*) if the Collector is in doubt as to the person to whom such notice should be addressed or as to the residence, address or place of business of any person on whom it is desired to serve such notice, and

(*i*) causes the notice to be posted in some conspicuous place on or near the land to which it relates, and

(*ii*) publishes the notice either in the [3][Official Gazette] or in such local newspapers as he deems fit or by proclamation on or near such land accompanied with beat of drum.]

PART X.

LEVY OF HOUSE-RENT, FEES, PENALTIES, ETC.

37. All arrears of rent payable by any person in respect of the occupation of any house the property of [4][the Crown], and all fees, fines and penalties chargeable under this Act, and all moneys leviable under the provisions of this Act on account of the value of any land, or on account of the alteration, removal, renewal or repair of survey-boundary-marks, [5][or on account of the abatement or removal of an encroachment], shall be realised in the same manner as other revenue-demands, under the provisions of section 13 of this Act. Dues leviable as revenue-demands.

38. It shall be lawful for the Collector of Bombay to levy, in the same way as any arrear of land-revenue due under this Act, any sum certified by the Collector or Assistant or Deputy Collector of any district or collectorate in the Presidency of Bombay to be due and recoverable as an arrear of land-revenue, from any person residing or owning property in the City of Bombay, by whom the same is so certified to be due. Power to Collector of Bombay to assist other Collectors in realization of dues.

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[1] This paragraph was added by s. 7 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

[2] Central Acts.

[3] The words "Official Gazette" were substituted for the words "Bombay Government Gazette" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Crown" were substituted for the word "Government", *ibid.*

[5] These words were inserted by s. 8 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).

PART XI.

MISCELLANEOUS.

Collector to keep registers and rent-rolls.

39. It shall be the duty of the Collector to prepare and keep in such form as [1][the Provincial Government] may from time to time sanction a separate register and rent-roll of every description of land according to the nature and terms of the tenure on which such land is held.

Maps, land-registers and records where to be kept; to be open to inspection.

Extracts and copies to be given.

40. Subject to such rules and the payment of such fees as the [2][Provincial Government] may from time to time prescribe in this behalf, all maps and land registers, and other records of the Bombay City-survey, and all records concerning the land or the land-revenue, shall be kept in the Collector's office, and shall be open to the inspection of the public at reasonable hours; and certified extracts from such maps, registers and records, or certified copies thereof, shall be given to all persons applying for the same.

Power to frame and vary rules for guidance of Collector, etc., and for matters not provided for.

41. It shall be lawful for the [2][Provincial Government] from time to time to frame, and from time to time to vary or repeal, rules not inconsistent with the provisions of this Act for the guidance of the Collector, and his assistants and other subordinates in the discharge of their duties, or for any other purpose connected with the subject-matter of this Act, not expressly provided for therein.

Any of such rules as the [2][Provincial Government] may deem fit may be published, and when published shall, until cancelled or amended by the [2][Provincial Government] have the force of law.

SCHEDULE A.

Table of Fees payable under the provisions of section 16 of this Act.

Sum distrained for.	Fee.	
	Rs.	a.
Not exceeding Rs. 5	0	8
Over Rs. 5 and not exceeding Rs. 10	1	0
" 10 " " " 15	1	8
" 15 " " " 20	2	0
" 20 " " " 25	2	8
" 25 " " " 30	3	0
" 30 " " " 35	3	8
" 35 " " " 40	4	0
" 40 " " " 45	4	8
" 45 " " " 50	5	0
" 50 " " " 60	6	0
" 60 " " " 80	7	8
" 80 " " " 100	9	0
Upwards of Rs. 100	10	0

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[1]*Table of Rates of Fees payable under the provisions of section 13 in respect of notices demanding payment of arrears of revenue.*

Revenue due.	Notice Fee.
	Rs. a.
Not exceeding Rs. 25	0 8
Over Rs. 25 and not exceeding Rs. 100	1 0
„ Rs. 100	2 0

[2]SCHEDULE A-A.

Form of warrant to be issued by the Collector under section 29C.

Seal.

To,

The Officer in charge of the
Civil Jail at.....,
Bombay.

WHEREAS A.B. of.....has resisted (or obstructed) C.D. in removing E.F. (or himself, that is, the said A.B. or the property, to be described) from the land (or foreshore) situated at..... .....and whereas it is necessary, in order to prevent the continuance of such resistance (or obstruction), to commit the said A.B. to close custody; You are hereby required under the provisions of section 29C of the Bombay City Land Revenue Act, 1876 (Bom. II of 1876), to receive the said A.B. into the Jail under your charge and there to keep him in safe custody for days.

Dated this day of 194 .

(Signature of the Collector.)

[1] This table was added by s. 9 of the Bombay City Land-revenue (Amendment) Act, 1900 (Bom. 3 of 1900).
[2] This Schedule was inserted by Bom. 9 of 1949, s. 4.

SCHEDULE B.

Form of Notice of Transfer to be given under section 30 of this Act, when the Transfer has taken place otherwise than by Instrument.

To

THE COLLECTOR OF BOMBAY.

I, *A. B.*, hereby give notice, as required by section 30 of the Bombay City Land-revenue Act, of the following transfer of property :—

Date of Notice.	Name in which the property is at present entered in the Collector's records.	To whose name it is to be transferred.	Description of the Property.						Remarks.
			Of what it consists.	Situation.	Collector's No.	Bombay City Survey No.	Dimensions of land	Boundaries.	

(Signed) *A. B.*

SCHEDULE C.

Form of Notice of Transfer to be given under section 30 of this Act, when the Transfer has been effected by Instrument.

To

THE COLLECTOR OF BOMBAY.

I, *A. B.*, hereby give notice, as required by section 30 of the Bombay City Land-revenue Act, of the following transfer of property :—

Date of Notice.	Date of instrument.	Name of vendor or assignor.	Name of purchaser or assignee.	Amount of consideration.	Description of the Property.						If instrument has been registered, the date of registration.	Remarks
					Of what it consists.	Situation.	Collector's No.	Bombay City Survey No.	Dimensions of land.	Boundaries		

(Signed) *A.B.*

THE BOMBAY VACCINATION ACT, 1877.

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SCHEDULE E.

BOMBAY ACT No. I OF 1877.[1]

[THE BOMBAY VACCINATION ACT, 1877.]

[*17th May 1877.*]

Repealed in part, by Bom. 3 of 1886.
Repealed in part and amended, by Act 16 of 1895.
Amended, by Bom. 3 of 1882;
,, ,, ,, 3 of 1907.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to prohibit the practice of inoculation, and to make the vaccination of children in the City of Bombay compulsory.

WHEREAS it is expedient to prohibit the practice of inoculation, and to make the vaccination of children in the City of Bombay compulsory; It is enacted as follows:— Preamble.

PRELIMINARY.

1. This Act may be cited as the Bombay Vaccination Act, 1877. Short title.

It extends only to the City of Bombay. Local extent.

It shall come into force on such day[2] as the [3][Provincial Government] directs by notification in the [4][*Official Gazette*], and its operation may at any time be suspended by the [3][Provincial Government] by notification in the said Gazette. Commencement.

2. In this Act, unless there be something repugnant in the subject or context— Interpretation-clause.

(*1*) "parent" includes the father and mother of a legitimate child and the mother of an illegitimate child:

(*2*) "guardian" means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf:

(*3*) "public vaccinator" means any vaccinator appointed under this Act or any deputy duly authorized to act for such public vaccinator:

(*4*) "medical practitioner" means any person duly qualified by a diploma, degree or licence to practise in medicine or surgery, or specially licensed by the [3][Provincial Government] to practice vaccination and grant certificates under the provisions of this Act:

(*5*) "unprotected child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible to vaccination:

(*6*) "animal-lymph" means vaccine taken from the calf:

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1876, Pt. V, p. 228; for Report of the Select Committee, *see ibid*, 1877, Pt. V, p. 6; and for Proceedings in Council, *see ibid*, 1876, Pt. V, p. 247, and *ibid*, 1877, Pt. V, pp. 19 and 35.

[2] The 1st September, 1877, *see Bombay Government Gazette*, 1877, Pt. I, p. 653.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid*.

[1][(7) "the Corporation" means the Municipal Corporation of Bombay :]

[1][(8) "the Commissioner" means the Municipal Commissioner for the City of Bombay :]

[1][(9) "the health officer" means the officer for the time being holding the appointment of Municipal executive health officer under the provisions of the City of Bombay Municipal Act, 1888.] Bom. III of 1888.

ESTABLISHMENT.

Vaccination-districts.

3. For the purposes [2][of this Act] the [3][Commissioner, with the approval of the corporation,] shall divide the City of Bombay into as many districts for the performance of vaccination as he shall from time to time deem fit. Each such district shall be called a "vaccination district".

Appointment of public vaccinators. Public vaccine-stations.

[4][Subject to the provisions of the City of Bombay Municipal Act, 1888, the Commissioner] shall appoint a public vaccinator for every vaccination-district, and shall appoint such places as he shall from time to time deem fit in each district to be stations for the performance of vaccination. Such stations shall be called "public vaccine-stations". Every such public vaccinator shall be removable from office by the [5][Commissioner]. Bom. III of 1888.

Notification of districts and stations.

The limits of the vaccination-districts made, and the positions of the public vaccine-stations fixed, under the provisions of this section, and the days and hours of the public vaccinator's attendance at each station, shall be published from time to time in such manner as shall be directed in rules to be framed under section 31 [6]* * *.

Public vaccinator to live within district.

4. Every public vaccinator, unless specially permitted by the [7][Commissioner] to reside elsewhere, shall reside within the district for which he is appointed, and shall cause his name, with the addition of the words "Public Vaccinator for the district of ", to be posted up in some conspicuous place on or near the outer door of his dwelling-house and of every public vaccine-station in his district.

Qualifications of public vaccinator.

5. No person shall be appointed a public vaccinator, or act as a deputy for a public vaccinator, who shall not possess a certificate of qualification signed by the [8][health officer].

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[1] Sub-sections (7), (8) and (9) were added by s. 2 of the City of Bombay Police Charges Act, 1907 (Bom. 3 of 1907).

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), and re-inserted by the Amending Act, 1895 (16 of 1895).

[3] These words were substituted for the words "Sanitary Commissioner for the Presidency of Bombay or such other officer as Government directs" by s. 3 (1) of the City of Bombay Police Charges Act, 1907 (Bom. 3 of 1907).

[4] These words were substituted for the words "The Sanitary Commissioner or other officer aforesaid" by s. 3 (2), *ibid.*

[5] This word was substituted for the words "Sanitary Commissioner or other officer aforesaid" *ibid*, s. 3 (3).

[6] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886) Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[7] This word was substituted for the words "Sanitary Commissioner or other officer aforesaid" by s. 4 of the City of Bombay Police Charges Act, 1907 (Bom. 3 of 1907).

[8] These words were substituted for the words "Sanitary Commissioner or other officer aforesaid" by s. 5, *ibid.*

6. A Superintendent of Vaccination shall be appointed by [1][the corporation] who, subject to the orders of the [2][Commissioner], shall have a general control over all the proceedings of public vaccinators, and shall perform such duties, in addition to those prescribed by this Act, as shall be required by [1][the corporation]. Superintendent of Vaccination.

The Superintendent shall have one or more assistants as [1][the corporation] may from time to time direct. Assistant Superintendents.

VACCINATION.

7. The parent or guardian of every child born in the City of Bombay shall, within six months after the birth of such child, and Parent or guardian of children born in Bombay,

the parent or guardian of every unprotected child under the age of fourteen years brought to reside, whether temporarily or permanently, in the City of Bombay, shall, within three months after such child's arrival in the City, or, if the child be at the time of its arrival less than three months old, within six months after its birth, [3]* and of unprotected children brought to reside in Bombay,

[3]* * * * * *

take it, or cause it to be taken, to a public vaccinator to be vaccinated, or shall, within such period as aforesaid, cause it to be vaccinated by some medical practitioner; must procure vaccination.

and the public vaccinator to whom such child, or to whom any child under the age of fourteen years, is brought for vaccination, is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such child. Public vaccinator bound to vaccinate all children brought to him.

8. At an appointed hour upon the same day in the following week after vaccination shall have been performed by a public vaccinator or a medical practitioner, or on [4][any earlier or later day], if the public vaccinator or medical practitioner so desires, the parent or guardian shall again take the child, or cause it to be taken, to the public vaccinator or to the medical practitioner by whom the operation was performed, that he may inspect it and ascertain the result of the operation. Inspection.

In the event of the vaccination being unsuccessful, such parent or guardian shall, if the public vaccinator or medical practitioner so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion. Re-vaccination.

[1] These words were substituted for the word "Government" by s. 6 (*1*) of Bom. 3 of 1907.

[2] This word was substituted for the words "Sanitary Commissioner or other officer aforesaid" by s. 4, *ibid.*

[3] The word "and" and the following paragraph, namely:—"the parent or guardian of every unprotected child living in the City of Bombay at the date of this Act coming into force, and whose age at such date exceeds six months, but does not exceed fourteen years, shall, within six months from the said date" were repealed by the Amending Act, 1895 (16 of 1895).

[4] These words were substituted for the words "an earlier day" by s. 2 of the Vaccination Act (Amendment) Act, 1882 (Bom. 3 of 1882).

If child be unfit for vaccination, certificate in form A to be given;

9. If any public vaccinator or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated, he shall forthwith deliver to the parent or guardian of such child a certificate under his hand according to the form of Schedule A [1]* * *, or to the like effect, that the child is then in a state unfit for vaccination.

which shall remain in force for two months but shall be renewable.

The said certificate shall remain in force for two months only, but shall be renewable for successive periods of two months until a public vaccinator or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated and a certificate of successful vaccination given in the form of Schedule C [1]* * *, according to the provisions of section 11 [2]* * * if warranted by the result.

When successive postponement-certificates to be granted.

At or before the end of each successive period, the parent or guardian shall take, or cause the child to be taken, to some public vaccinator or medical practitioner, who shall then examine the child and give a fresh certificate according to the said form A, so long as he deems requisite under the circumstances of the case.

Provision for giving certificates of insusceptibility to successful vaccination.

10. If any public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or guardian of such child a certificate, under his hand, according to the form of Schedule B [1] * * *or to the like effect, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

Provision for giving certificates of successful vaccination.

11. Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, shall deliver to the parent or guardian of such child a certificate according to the form of Schedule C [1]* * *, or to the like effect, certifying that the said child has been successfully vaccinated.

Vaccination to be ordinarily with animal-lymph,

12. Except as is hereinafter otherwise provided, the vaccination of a child under the provisions of this Act must, if the parent or guardian of the child so require, be performed with animal-lymph;

but may, if Provincial Government so directs, be performed with lymph taken from human being.

but it shall at any time be lawful for the [3][Provincial Government], on its being shown to [4][its] satisfaction that animal-lymph is not procurable, to direct, by notification in the [5][Official Gazette]—

(*a*) that during such period as [6][it] may deem fit to appoint the vaccination of children may, without the assent of the parents or guardians of such children, be performed with lymph taken from a human being; and

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[1] The words "hereto annexed" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "of this Act" were repealed, *ibid.*

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The word "its" was substituted for the word "his", *ibid.*

[5] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[6] The word "it" was substituted for the word "he", *ibid.*

(*b*) that the public vaccinator or medical practitioner to whom at any time during the said period a vaccinated child is brought under the provisions of section 8 [1]* * * for inspection may, if he see fit, take from such child lymph for the performance of other vaccinations.

13. No fee or remuneration shall be charged by any public vaccinator to the parent or guardian of any child for any such certificate as aforesaid, nor for any vaccination done by him in pursuance of this Act at a public vaccine-station ; No fee for vaccination at public vaccine-station, or for certificates.

But it shall be lawful for a public vaccinator to accept a fee for vaccinating a child, by request of the parent or guardian, elsewhere than at a public vaccine-station ! Proviso.

REGISTRATION.

14. On the registration of the birth of any child under the provisions of section 256 of the [2]Bombay Municipal Act, 1872, or of any other law for the time being in force, the Registrar shall deliver to the person giving information of such birth a printed notice in the form of Schedule D [3]* * *, or to the like effect, and such notice shall have attached thereto the several forms of certificates prescribed by this Act. Registrar of Births to give notice of requirement of vaccination.

15. Every public vaccinator or medical practitioner who gives to any parent or guardian a certificate in any of the forms of Schedules A, B and C [3]* * *, shall, within twenty-one days after giving the same, transmit a duplicate thereof to the Registrar of Births of the district where the birth of the child on whose account such certificate was given has been registered, or, if that be not known to him, or if the child was born out of the City of Bombay, or his birth has not been registered in the said City, to the Registrar of the district within which the child was vaccinated or presented for vaccination. Duplicates of all certificates to be transmitted to Registrar.

16. The Registrar of Births shall keep a book, in such form as may from time to time be prescribed by the [4][Commissioner] under section 29 [1]* * *, in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the duplicates of certificates transmitted to him as herein provided. Registrar to keep vaccination notice and certificate book.

17. He shall also prepare and keep a duplicate of the register of births required to be kept by him under the provisions of the [5]Bombay Municipal Act, 1872, or of any other law for the time being in force, with such additional columns as shall from time to time be prescribed by the [4][Commissioner] under section 29 [1]* * * in which he shall record the date of every duplicate certificate in the form of And also duplicate register of births with entries concerning vaccination.

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904.)

[2] *See* now s. 445 of the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).

[3] The words "hereto annexed" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] This word was substituted for the words "Sanitary Commissioner or other officer" by s. 4 of the City of Bombay Police Charges Act, 1907 (Bom. 3 of 1907).

[5] *See* now the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).

Schedule B or Schedule C [1]* * * received by him concerning any child whose birth he has registered, and make an entry to the effect that the child has been vaccinated or is insusceptible of vaccination, as the case may be.

And also register of postponed vaccinations.

18. He shall also keep a register of postponed vaccinations in the form of Schedule E [1]* * *, in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of Schedule A [1]* * *, together with the date of such duplicate certificate and of each such successive duplicate certificate, if he receives more than one and shall show the number and year of the entry, if any, in the register of births in which such child's birth has been registered.

Transmission of returns to Superintendent.

19. Every Registrar shall transmit on the first of every month to the Superintendent of Vaccination a return, in such form as may from time to time be prescribed by the [2][Commissioner] under section 29 [3]* * *, of all cases in which duplicate certificates have not been duly received by him in pursuance of the provisions of this Act during the last preceding month.

PROSECUTIONS AND OFFENCES.

Penalty for inoculating;

20. Whoever produces, or attempts to produce, in any person, by inoculation with variolous matter or by wilful exposure to variolous matter or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person;

and for entering City of Bombay after inoculation.

and whoever having been inoculated with small-pox in a place to which this Act does not extend shall afterwards enter the City of Bombay before the expiration of forty days from the date of such inoculation, or without a certificate from a medical practitioner that such person is no longer likely to cause contagion;

shall be punished with imprisonment [4]* * * for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Magistrate may make order for vaccination of unprotected child under fourteen years.

21. If the Superintendent of Vaccination shall give information in writing to a Magistrate of Police that he has reason to believe that any child within the City of Bombay, under the age of fourteen years, is an unprotected child, and that he has given notice to the parent or guardian of such child to procure its being vaccinated, and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the child before him, and, if the Magistrate shall find, after such examination as he shall deem necessary, that the child is an unprotected child, he may make an order directing such child to be vaccinated within a certain time.

Penalty for disobedience of such order.

If at the expiration of such time the child shall not have been vaccinated, or shall not be shown to be then unfit to be vaccinated nor to be insusceptible of vaccination, the person upon whom such order shall have been made shall, unless he can show some reasonable ground for his omission to carry the order into effect, be punished with fine which may extend to fifty rupees:

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[1] The words "hereto annexed" were repealed by Bom. 3 of 1886.

[2] This word was substituted for the words "Sanitary Commissioner or other officer" by s. 4 of the City of Bombay Police Charges Act, 1907 (Bom. 3 of 1907).

[3] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] The words "of either description, within the meaning of the Indian Penal Code" were repealed, *ibid.*

Provided that if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider a fair compensation for his expenses and loss of time in attending before the Magistrate. Proviso for costs to person improperly summoned.

22. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section, he shall be punished with simple imprisonment, within the meaning of the Indian Penal Code, for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. Penalty for not producing child.

XLV of 1860.

23. Whoever, in contravention of this Act,— Penalty for neglect to take child to be vaccinated, etc.

(*a*) neglects, without reasonable excuse, to take, or cause a child to be taken, to be vaccinated, or after vaccination to be inspected, or

(*b*) at any time during the period for which any notification made under section 12 [1]* * * is in force, prevents any public vaccinator from taking lymph from any child whom he has vaccinated, or

(*c*) neglects to fill up and sign and give to the parent or guardian of any child any certificate which such parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of Births,

shall be punished for each such offence with fine which may extend to fifty rupees.

24. Whoever wilfully signs, or makes, or procures the signing or making of, a false certificate, or duplicate certificate, under this Act, shall be punished with imprisonment [2]* * * for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both. Penalty for making or signing false certificate.

25. If any public vaccinator accepts or obtains, or agrees to accept or attempts to obtain, from any person any fee or remuneration, contrary to the provisions of section 13 [3]* * *, he shall be deemed to have committed an offence punishable under section 161 of the Indian Penal Code. Penalty for accepting illegal fee or remuneration.

XLV of 1860.

26. All offences under this Act shall be cognizable by a Magistrate of Police, subject to the provisions of any law for the time being in force for the trial of offences, but no complaint of any such offences shall be entertained unless the prosecution be instituted by order of, or under authority from, [4][the Standing Committee appointed under the provisions of the City of Bombay Municipal Act, 1888,] or the Superintendent of Vaccination. Cognizance of offences.

Bom. III of 1888.

27. In any prosecution for neglect to procure the vaccination of a child it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar, or any other officer, of the requirements of the law in Prosecution for neglect.

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "of either description, within the meaning of the Indian Penal Code" were repealed, *ibid.*

[3] The words "of this Act" were repealed, *ibid.*

[4] These words were substituted for the word "Government" by s. 6 (2) of the City of Bombay Police Charges Act, 1907 (Bom. 3 of 1907).

this respect; but, if the defendant produce any such certificate as hereinbefore described, or the duplicate of the register of births or the register of postponed vaccinations kept by the Registrar as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defence for him except in regard to the certificate according to the form of Schedule A, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Recovery of fines.

28. [1]* * * All fines imposed under this Act [1]* * * shall be recoverable [2][in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts].

MISCELLANEOUS.

Books and forms.

29. The [3][Commissioner] shall frame and provide appropriate books and forms for the use of the public vaccinators, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act, and he shall also transmit to the Registrars such books and forms as are required by them under the provisions of this Act.

Annual return of number of children vaccinated, etc.

30. It shall be the duty of the [4][health officer] to show in any annual general abstract of births and deaths prepared by him the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible to successful vaccination during the year.

Power of Commissioner to make rules.

31. [5][The Commissioner may, with the sanction of the corporation] from time to time, make rules or issue orders consistent with this Act—

(*a*) providing for the appointment of deputies of public vaccinators, when necessary;

(*b*) determining the qualifications to be required of public vaccinators or their deputies, and regulating the grant of certificates of qualification under section 5;

(*c*) for the guidance of public vaccinators and others in all other matters connected with the working of this Act.

All such rules or orders shall be published in the [6][Official Gazette].

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[1] The words "The provisions of sections sixty-four to seventy, both inclusive, of the Indian Penal Code shall apply to" and the words "and all such fines" in s. 28 were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] These words were substituted for the words and figures "in the manner prescribed by Act 13 of 1856 (for regulating the Police of the Towns of Calcutta, Madras and Bombay), and Act 48 of 1860 (to amend Act 13 of 1856), or any other Act for the time being in force regulating the Police of the City of Bombay" by the Amending Act, 1895 (16 of 1895).

[3] This word was substituted for the words "Sanitary Commissioner for the Presidency of Bombay or such other officer as Government directs" by s. 4 of the City of Bombay Police Charges Act, 1907 (Bom. 3 of 1907).

[4] These words were substituted for the words "executive officer of health for the City of Bombay, appointed under the provisions of the City of Bombay Municipal Act, 1888, or of the officer for the time being officiating in his appointment" by s. 7, *ibid.*

[5] These words were substituted for the words "the Sanitary Commissioner for the Presidency of Bombay, or such other officer as Government directs, may, with the sanction of the Governor in Council" by s. 6 (*3*), *ibid.*

[6] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

SCHEDULE A.

(*See* section 9.)

I, the undersigned, hereby certify that, in my opinion the child of , resident at in Bombay, is not now in a fit and proper state to be vaccinated, and I do hereby postpone the vaccination for the period of two months from this date.

Dated this day of 19 .

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE B.

(*See* section 10.)

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated , the child of , residing at , in Bombay (*or* that the child has already had small-pox, *as the case may be*), and I am of opinion that the said child is insusceptible of successful vaccination.

Dated this day of 19 .

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE C.

(*See* section 11.)

I, the undersigned, hereby certify that , the child of age , resident at , in Bombay, has been successfully, vaccinated by me.

Dated this day of 19 .

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE D.

(*See* section 14.)

To

(*Here insert the name of the parent, guardian or other person who gives information of the child's birth.*)

Take notice that the child of (*here enter the mother's name*), whose birth has this day been registered, must be vaccinated under the provisions of the Bombay Vaccination Act, 1877, within six months from the date of its birth, under a penalty of [1][fifty rupees].

[1] These words were substituted for the words "ten rupees" by the Amending Act, 1895 (16 of 1895).

The public Vaccine-station nearest to the house in which the child was born is at No. . The days and hours for vaccination at that station are as follows :—

(*Here insert the days and the hours when the public vaccinator is in attendance.*)

On your taking, or causing the child to be taken, to the public vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine-station in the City on the days and within the hours prescribed for public vaccination at such station, it will be vaccinated free of charge.

You should be careful to have one of the annexed forms of certificates filled in by the public vaccinator, or, if you employ a private medical practitioner to vaccinate the child, by such medical practitioner, and to keep the same in your possession. Any such certificate will be granted to you by a public vaccinator free of charge.

Dated the of 19 .

(*Registrar of Births.*)

SCHEDULE E.

(*See* section 18.)

Register of postponed Vaccinations for the District of in Bombay.

Consecutive number.	Name of Child.	Birth.		Date of certificate of postponement.		Signature of Registrar.
		Year.	No. of entry in register.			
				1868		
1	Vinayak Pandurang ..	1868	12	May	10	H.O.

BOMBAY ACT No. V OF 1878.[1]

[THE BOMBAY ABKARI ACT, 1878.]

[*19th September 1878.*]

[1]**1-29.** * * * * * * *

[2]**29A.** (*1*) Until provision to the contrary is made by the Central Legislature, the Provincial Government may continue to levy any duty to which this section applies which it was lawfully levying immediately before the commencement of Part III of the Government of India Act, 1935, under this Chapter as then in force.

Saving for duties being levied at commencement of Part III of the Government of India Act, 1935.

(*2*) The duties to which this section applies are—

(*a*) any duty on intoxicants which are not excisable articles within the meaning of this Act; and

(*b*) any duty on an excisable article produced outside India and imported into the Province whether across a customs frontier as defined by the Central Government or not.

(*3*) Nothing in this section shall authorise the levy by the Provincial Government of any duty which, as between goods manufactured or produced in the Province and similar goods not so manufactured or produced, discriminates in favour of the former, or which, in the case of goods manufactured or produced outside the Province, discriminates between goods manufactured or produced in one locality and similar goods manufactured or produced in another locality.

[1]**30-67.** * * * * * * *

[1]SCHEDULE.

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[1] All the provisions of this Act except section 29A have been repealed by section 148 and Schedule I of the Bombay Prohibition Act, 1949 (Bom. 25 of 1949); but such repeal shall not be deemed to affect the provisions of the Bombay Abkari Act, 1878, in so far as they relate to the levy of any duties under section 29A of the said Abkari Act and the recovery of any duties or fees levied under any other provisions of the said Abkari Act. [*Vide* section 148 (*2*) (*iii*) of Bom. 25 of 1949].

[2] Section 29A was inserted by the Adaptation of Indian Laws Order in Council.

THE BOMBAY LAND REVENUE CODE, 1879.

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SCHEDULES.

BOMBAY ACT No. V OF 1879.[1]

[THE BOMBAY LAND REVENUE CODE, 1879.]

[*17th July, 1879.*]

Repealed in part, by Bom. 3 of 1886 ;
" " " " " 32 of 1949.

Repealed in part and amended by Act 16 of 1895 ;

" " " " " " Bom. 6 of 1901 ;
" " " " " " " 4 of 1905 ;
" " " " " " " 20 of 1939 ;
" " " " " " " 29 of 1939.

Repealed in part and amended (locally) by—

Bom. 1 of 1880 ;
" 6 of 1888 as amended by Bom. 2 of 1905 ;
" 11 of 1912 ;
" 4 of 1913 ;
" 2 of 1919.

Amended, by Bom. 7 of 1879 ;
" " " 4 of 1886 ;
" " " 1 of 1910 ;
" " " 7 of 1914 ;
" " " 1 of 1920 ;
" " " 3 of 1921 ;
" " " 15 of 1929 ;
" " " 3 of 1932 ;
" " " 31 of 1935 ;
" " " 5 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 45 of 1947 ;
" " " 62 of 1947 ;
" " " 35 of 1948.

An Act to consolidate and amend the law relating to Revenue officers, and the Land Revenue in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to Revenue officers, and to the assessment and recovery of Land Revenue, and to other matters Preamble.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1875, Pt. V, p. 62, and *ibid*, 1879, Pt. V, p. 81 ; for Reports of the Select Committee, *see ibid*, 1876, Pt. V, p. 166, and *ibid*, 1877, Pt. V, p. 74, and for Proceedings in Council, *see ibid*, 1875, Pt. V, p. 65, *ibid*, 1877, Pt. V, pp. 198, 210, 234, 252, 417, 418, *ibid*, 1878, Pt. V. p. 40, *ibid*, 1879, Pt. V, pp. 112 and 124.

The proceeds of all fees levied under this Act for permission to remove sand or to quarry are to be credited to the Local Fund constituted by the Bombay Local Boards Act, 1923 (Bom. 6 of 1923), s. 75.

connected with the Land Revenue Administration; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short Title.

1. [1](*1*) This Act may be cited as "The Bombay Land Revenue Code, 1879".

Local extent.

[2][(*2*) Save as otherwise provided by Chapter XA, this Act extends to the whole of the Presidency of Bombay, except the City of Bombay, [3]* * and the [4]Scheduled Districts of the Mehwassi Chiefs' villages as defined in the Scheduled Districts Act, 1874.] XIV of 1874.

[5][(*3*) Provided that Chapter III also extends to the City of Bombay, subject to the modification that the expression "Revenue officer" means every officers of any rank whatsoever appointed under section 5 or 6 of the Bombay City Land Revenue Act, 1876, and employed in or about the business of the Land Revenue in the City of Bombay, or of the surveys, assessment, accounts or records connected therewith, instead of as defined in clause (*1*) of section 3 of this Act.] Bom. II of 1876.

2. [*Repeal of enactments.*] *Repealed by Bom. IV of 1913, s. 5.*

Interpretation section.

3. In this Act, unless there be something repugnant in the subject or context,—

"revenue officer";

(*1*) "revenue officer" means every officer of any rank whatsoever appointed under any of the provisions of this Act, and employed in or about the business of the land-revenue or of the surveys, assessment, accounts, or records connected therewith [6][and for the purposes of sections 25 and 26 includes a village-officer appointed or officiating under any of the provisions of the Bombay Hereditary Offices Act or the Matadars Act, 1887];

---

[1] Sub-section (*1*) of section 1 was originally the first paragraph of section 1. It was numbered sub-section (*1*) of section 1 by s. 4 (*1*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

NOTE.—All sub-titles, printed over sections or groups of sections in this Act, were repealed by section 84 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

Section 85 and the last 15 words of s. 58 are not in force in the Panch Mahals—*see* the Panch Mahals Laws Act, 1885 (7 of 1885), s. 2.

As to how far provisions of the Act are applicable to villages to which the Khoti Settlement Act, 1880, extends, *see* the Khoti Settlement Act, 1880 (Bom. 1 of 1880), ss. 1 and 39, *infra*, and the Khoti Settlement Amendment Act, 1904 (Bom. 3 of 1904), s. 10.

As to how far certain sections of the Act are inapplicable and how far certain sections are applicable with modification to any estate in the districts of Ahmedabad, Kaira, Broach or Panch Mahals to which the Gujarat Taluqdars Act, 1888, extends, *see* the Gujarat Taluqdars Act, 1888 (Bom. 6 of 1888), ss. 1 and 33, and the Gujarat Taluqdars (Amendment) Act, 1905 (Bom. 2 of 1905), s. 6.

[2] Sub-section (*2*) was substituted for paragraph 2 by s. 4 (*2*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] The word "Aden" was omitted by the Adaptation of Indian Laws Order in Council.

[4] That is the villages belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

[5] Sub-section (*3*) was substituted for para. 3 by s. 4 (*3*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] These words were added by 1st Schedule of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

(2) "survey officer" means an officer appointed under, or in the manner provided by section 18 [1]* * *; "survey officer";

[2][(3) "Survey settlement" includes a settlement made under the provisions of Chapter VIIIA.]; "survey settlement."

(4) "land" includes benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory; "land";

(5) "estate" means any interest in lands and the aggregate of such interests vested in a person or aggregate of persons capable of holding the same; "estate";

(6) "survey number" means a portion of land of which the area and [3][assessment] are separately entered, under an indicative number in the [4][land records] [5]* * *; "survey number";

(7) [6]["sub-division of a survey number" means a portion of a survey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion]; "sub-division of a survey number";

[7][(8) "chavdi" means, in any village in which there is no chavdi, such place as the Collector may direct shall be deemed to be the chavdi for the purposes of this Act]; "chavdi";

(9) "building site" means a portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon; "building site";

(10) "boundary mark" means any erection, whether of earth, stone, or other material, and also any hedge, [8][unploughed ridge, or] strip of ground, or other object whether natural or artificial, set up, employed, or specified by a survey officer, or other revenue officer having authority in that behalf, in order to designate the boundary of any division of land; "boundary mark";

[9][(11) "to hold land", or to be a "landholder" or "holder" of land means to be lawfully in possession of land, whether such possession is actual or not]; "to hold land", "landholder", "holder";

[9][(12) "holding" means a portion of land held by a holder]; "holding";

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] This clause was inserted by Bom. 20 of 1939, s. 2.

[3] This word was substituted for the words "other particulars" by s. 6 (*b*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] These words were substituted for the words "survey-records", *ibid.*

[5] The words "of the village, town or city in which it is situated, and includes a recognised share of a survey number" were repealed by s. 6, *ibid.*

[6] This definition was substituted for the definition of "recognised share of a survey number" by s. 6 (*c*), *ibid.*

[7] This definition was added by s. 6 (*d*), *ibid.*

[8] These words were substituted for the word "vacant" by s. 2 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[9] These definitions were substituted for the original definitions of "holder" or "land-holder" and "holding" by s. 6 (*e*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

"superior holder"; "inferior holder";

[1][(*13*) "superior holder" means a landholder entitled to receive rent or land revenue from other landholders (hereinafter called "inferior holders"), whether he is accountable or not for such rent or land revenue, or any part thereof, to [2][the Provincial Government]: provided that where land has been granted free of rent or land revenue, subject to the right of resumption in certain specified contingencies, by a Jagirdar, Inamdar or other such holder of alienated land whose name is authorizedly entered as such in the land records, such Jagirdar, Inamdar or holder shall, with reference to the grantee, be deemed to be the superior holder of land so granted by him and the grantee shall, with reference to the grantor, be deemed to be the inferior holder of such land and for the purposes of section 8 of the [3]Bombay Local Funds Act, 1869, shall, notwithstanding anything hereinafter contained in the definition of the word "tenant", be deemed to be the tenant of such grantor]; Bom. III of 1869.

"tenant";

[4][(*14*) "tenant" means a lessee, whether holding under an instrument, or under an oral agreement, and includes a mortgagee of a tenant's rights with possession; but does not include a lessee holding directly under [5][the Crown]];

"landlord";

[4][(*15*) "landlord" means a lessor];

"occupant";

[6][(*16*) "occupant" means a holder in actual possession of unalienated land, other than a tenant: provided that where the holder in actual possession is a tenant, the landlord or superior landlord, as the case may be, shall be deemed to be the occupant];

"occupancy";

[7][(*17*) "occupancy" means a portion of land held by an occupant];

"to occupy land";

[7][(*18*) "to occupy land" means to possess or take possession of land];

"occupation";

[7][(*19*) "occupation" means possession];

"alienated";

(*20*) "alienated" means transferred in so far as the rights of [2][the Provincial Government] to payment of the rent or land revenue are concerned, wholly or partially, to the ownership of any person;

"village";

[8][*21*) "village" includes a town or city and all the land belonging to a village, town or city];

"revenue year"; "year";

(*22*) the words "revenue year" or "year" means the period from, and exclusive of, the thirty-first July of one calendar year until, and inclusive of, the thirty-first July in the next calendar year;

(*23*) [*Definition of "section."*] *Rep. by Bom. III of 1886.*

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[1] This definition was substituted for the original definitions of "superior holder" and "inferior holder" by s. 6 (*f*) of Bom. 4 of 1913.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] *See* now section 96 of the Bombay Local Boards Act, 1923 (Bom. 6 of 1923).

[4] These definitions were substituted for the original definition of "tenant" by s. 6 (*g*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[5] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] This definition was substituted for clause (16), by s. 6 (*h*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[7] These definitions were substituted for clauses (17), (18) and (19) by s. 6 (*h*), *ibid.*

[8] This definition was substituted for the original clause (20) by s. 6 (*i*), *ibid.*

(24) [*Definition of "this chapter"*.] *Rep. by Bom. III of 1886.*

[1][(*25*) the term "joint holders", or "joint occupants", means holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu law or otherwise, and whose shares are not divided by metes and bounds; and where land is held by joint holders or joint occupants, "holder" or "occupant", as the case may be, means all of the joint holders or joint occupants;] "joint holders"; "joint occupants";

[1][(*26*) "land records" means records maintained under the provisions of, or for the purposes of, this Act;] "land records";

[1][(*27*) "certified copy" or "certified extract" means a copy or extract, as the case may be, certified in the manner prescribed by section 76 of the Indian Evidence Act, 1872;] "certified copy"; "certified extract". I of 1872.

[1][(*28*) in Sind the word "Mukhtyarkar" shall be deemed to be substituted for the word "Mamlatdar" wherever it occurs in this Act.]

CHAPTER II.

CONSTITUTION AND POWERS OF REVENUE OFFICERS.

4. The chief controlling authority in all matters connected with the land revenue is vested in the Commissioner, subject to the [2][Provincial Government]. Chief controlling authority in revenue matters.

There shall be one or more Commissioners as the [2][Provincial Government], [3]* * * * * may direct; and the [2][Provincial Government] shall prescribe what territories are to be under the control of each, whether generally or for any specific purpose, and may from time to time alter the limits of such territories, all orders made on this behalf being duly notified. Extent of territories under the Commissioners.

The territories under each Commissioner shall form, and be called, a division; [4]* * * The territories under a Commissioner to be a division.

[5][and for the purposes of this Act the territories comprised in the Province of Sind shall be deemed to form a division and the Commissioner in Sind shall be deemed to be the Commissioner of that division.]

5. The Commissioners shall be appointed by the [2][Provincial Government] and shall exercise the powers and discharge the duties conferred and imposed on a Commissioner under this Act, or under any other law for the time being in force, and so far as is consistent therewith all such other powers, or duties of appeal, superintendence and control within their respective divisions, and over the officers subordinate to them as may from time to time be prescribed by [6][the Provincial Government]. Appointments and duties of Commissioners.

6. Each Commissioner shall have such number of assistants as the [2][Provincial Government] may from time to time sanction, their appointment being made by the [2][Provincial Government]. Assistants so appointed shall perform such duties as the Commissioners to whom they are respectively subordinate may from time to time direct. Assistants to Commissioners.

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[1] These definitions were added by s. 6 (*j*) of Bom. 4 of 1913.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "subject to the orders of the Government of India" were omitted, *ibid.*

[4] The words "the present divisions shall continue as they are for the purposes of this Act, until altered by the Governor in Council," were repealed by the Amending Act, 1895 (16 of 1895).

[5] These words were added by s. 7 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Division to be divided into districts.

7. Each division, under the control of the Commissioner, shall be divided into such [1]* * districts with such limits as may from time to time be prescribed by a duly published order of the [2][Provincial Government].

A district to consist of talukas comprising such mahals and villages as Provincial Government may direct.

And each such district shall consist of such [1]* * talukas, and each taluka shall consist of such [1]* * mahals and villages, as may from time to time be prescribed in a duly published order of the [2][Provincial Government].

[3]* * * * * * *

Collector of the District.

8. The [2][Provincial Government] shall appoint in each district an officer who shall be the Collector [4]* * * and who shall be subordinate to the Commissioner of his division and may exercise, throughout his district, all the powers, and discharge all the duties conferred and imposed on a Collector or an Assistant or Deputy Collector by this Act, or any other law for the time being in force, and in all matters not specially provided for by law shall act according to the instructions of [5][the Provincial Government].

Assistant and Deputy Collector;

9. The [2][Provincial Government] may appoint to each district so many Assistant Collectors and so many Deputy Collectors as [6][it] may deem expedient; the Assistants shall be called "First," "Second," "Supernumerary," etc., as may be expressed in the order of their appointment.

to be subordinate to the Collector.

All such Assistant and Deputy Collectors and all other officers employed in the land revenue administration of the district shall be subordinate to the Collector.

Their duties and powers.

10. Subject to the general orders of [5][the Provincial Government], a Collector may place any of his assistants or deputies in charge of the revenue administration of one or more of the talukas in his district, or may himself retain charge thereof.

Any Assistant or Deputy Collector thus placed in charge shall, subject to the provisions of Chapter XIII [7]* * *, perform all the duties and exercise all the powers conferred upon a Collector [8]* * * by this Act or any other law at the time being in force, so far as regards the taluka or talukas in his charge:

Provided that the Collector may, whenever he may deem fit, direct any such Assistant or Deputy not to perform certain duties or exercise certain powers, and may reserve the same to himself or assign them to any other Assistant or Deputy subordinate to him.

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[1] The words "number of" were repealed by s. 8 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "The present zillas or collectorates shall form districts, and the present taluqas shall remain as they are, for the purposes of this Act, until altered by the Governor in Council" were repealed by the Amending Act, 1895 (16 of 1895).

[4] The words "of the District" were repealed, *ibid.*

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] The word "it" was substituted for the word "he", *ibid.*

[7] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[8] The words "of a district" were repealed by the Amending Act, 1895 (16 of 1895).

To such Assistant or Deputy Collector as it may not be possible or expedient to place in charge of talukas, the Collector shall, under the general orders of [1][the Provincial Government], assign such particular duties and powers as he may from time to time see fit.

Collector of the district in case of temporary vacancy.

11. If the Collector is disabled from performing his duties, or for any reason vacates his office or leaves his district, or dies, his Assistant of highest rank present in the district shall, unless other provision has been made by [1][Provincial Government], succeed temporarily to his office, and shall be held to be the Collector [2]* * * under this Act until the Collector resumes charge of his district, or until the [3][Provincial Government] appoints a successor to the former Collector and such successor takes charge of his appointment.

An officer whose principal office is different from that of an Assistant Collector, and who is an Assistant Collector for special purposes only, shall not be deemed to be an Assistant for the purposes of this section.

The Mamlatdar; his appointment.

12. The chief officer entrusted with the local revenue administration of a taluka shall be called a Mamlatdar. He shall be appointed by the [4][Provincial Government].

His duties and powers.

His duties and powers shall be such as may be expressly imposed or conferred upon him by this Act, or by any other law for the time being in force, or as may be imposed upon, or delegated to, him by the Collector under the general or special orders of [1][the Provincial Government]. [5]* * *

The Mahalkari; his duties and powers.

13. Whenever it may appear necessary to the [3][Provincial Government], the [6][Provincial Government] may [7][appoint to a taluka one or more Mahalkaris] and, subject to the orders of [1][the Provincial Government] and of the Commissioner, the Collector may [8][assign to a Mahalkari] within his local limits such of the duties and powers of a Mamlatdar as he may from time to time see fit, and may also from time to time direct whether the Mahalkari's immediate superior shall, for the purposes of section 203 [9]* * *, be deemed to be the Mamlatdar or the Assistant or Deputy Collector, or the Collector in charge of the taluka.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "of the district" were repealed by the Amending Act, 1895 (16 of 1895).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "Provincial Government" were substituted for the words "Commissioner of the division in which his taluka is situated", *ibid.*

[5] The words "He shall continue to perform the duties and exercise the powers at present performed and exercised by him after the passing of this Act, until such time as he is otherwise directed by competent authority" were repealed by the Amending Act, 1895 (16 of 1895).

[6] The words "Provincial Government" were substituted for the word "Collector" by the Adaptation of Indian Laws Order in Council.

[7] These words were substituted for the words "appoint a Mahalkari to be in charge of a defined portion of a taluka" by s. 9 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[8] These words were substituted for the words "assign to him", *ibid.*

[9] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[1][When a defined portion of a taluka is placed in charge of a Mahalkari, such portion shall be called a mahal.]

Mamlatdar or Mahalkari may depute subordinates to perform certain of his duties.

14. It shall be competent to a Mamlatdar or Mahalkari, subject to such general orders as may from time to time be passed by the Commissioner or by the Collector, to employ any of his subordinates to perform any portion of his ministerial duties: provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Mamlatdar or Mahalkari.

[2]* * * * * * *

Mamlatdar or Mahalkari in case of temporary vacancy.

15. If a Mamlatdar or Mahalkari is disabled from performing his duties, or for any reason vacates his office, or leaves his taluka or mahal, or dies, such subordinates as may be designated by orders to be issued from time to time on this behalf by the Collector, shall succeed temporarily to the said Mamlatdar's or Mahalkari's office, and shall be held to be the Mamlatdar or Mahalkari under this Act until the Mamlatdar or Mahalkari resumes charge of his taluka or mahal, or until such time as a successor is duly appointed and takes charge of his appointment.

Stipendiary Patel and Village Accountant to be appointed where no hereditary Patel or Village Accountant exists.

16. In villages where no hereditary Patel or Village Accountant exists, it shall be lawful for [3][the Provincial Government] to appoint a stipendiary Patel or a Village Accountant who shall perform respectively all the duties of hereditary Patels or Village Accountants as hereinafter prescribed in this Act or in any other law for the time being in force, and shall hold their situations under the rules in force with regard to subordinate revenue officers.

Saving the rights of holders of alienated villages.

Nothing in this section shall be held to affect any subsisting rights of holders of alienated villages or others in respect of the appointment of Patels and Village Accountants in any alienated or other villages.

[4][For the purposes of sections 58, 85 and 94A, the expression "Hereditary Village Accountant" or "Hereditary Accountant" shall be deemed to include a talati appointed by [5][the Provincial Government] where the liability of such Accountant to perform service has been commuted.]

Village Accountant to keep such records as he may be

17. Subject to the general orders of [5][the Provincial Government] and of the Commissioner, the Collector shall prescribe from time to time what registers, accounts, and other records shall be kept by the Village Accountant [6]* * *.

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[1] This paragraph was added by s. 9 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "The portion of a taluqa in the charge of a Mahalkari shall be called a Mahal" and the words "The present mahals shall remain as they are, for the purposes of this Act, until altered by the Governor in Council" were repealed by s. 9 (*2*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913), and the Amending Act, 1895 (16 of 1895), respectively.

[3] The words "the Provincial Government" were substituted for the words "the Collector under the general orders of Government and of the Commissioner" by the Adaptation of Indian Laws Order in Council.

[4] This paragraph was added by Bom. 5 of 1936, s. 2.

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] The words "and pending the first issue of orders under this section, the Village Accountant shall continue to keep all such registers, accounts and other records as he may hitherto have been required to keep" were repealed by the Amending Act, 1895 (16 of 1895).

It shall also be the duty of the Village Accountant to prepare, whenever called upon by the Patel of his village or by any superior Revenue or Police officer of the taluka or district to do so, all writings connected with the concerns of the village which are required either for the use of [1][the Central or the Provincial Government] or the public, such as notices, reports of inquests, and depositions and examinations in criminal matters. required to keep by the Collector and to prepare public writings.

18. For the purposes of Chapters VIII, [2][VIII-A,] IX and X [3]* * *, the [4][Provincial Government] may appoint such officers as may from time to time appear necessary. Such officers shall be designated [5][Settlement Commissioners] "Commissioner of Survey," "Superintendent of Survey," "Survey Settlement Officers," [5]" [Settlement Officers]" and "Assistant," or otherwise as may seem requisite, and shall be subordinated the one to the other in such order as the [Provincial Government) may direct. Survey Officers;

Subject to the orders of the [4][Provincial Government] the officers so appointed are vested with the cognisance of all matters connected with survey and settlement, and shall exercise all such powers and perform all such duties as may be prescribed by this or any other law for the time being in force. their duties and powers.

19. It shall be lawful for the [4][Provincial Government] to appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this Chapter or to confer upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient. Combination of offices.

20. The appointment of all officers mentioned in sections 4 to 13 and 18 and 19 shall be duly notified. Certain officers' appointments to be notified.

Any officer appointed to act temporarily for any such officer shall exercise the same powers and perform the same duties as might be performed or exercised by the officer for whom he is so appointed to act. Acting appointments.

21. [*Establishments.*] *Omitted by the Adaptation of Indian Laws Order in Council.*

22. The [4][Provincial Government] shall from time to time by notification prescribe what revenue officers shall use a seal, and what size and description of seal shall be used by each of such officers. Seals.

[6]* * * * * * *

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[1] The words "the Central or the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The figures and letter "VIII A" were inserted by Bom. 20 of 1939, s. 3.

[3] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] These words were inserted by Bom. 20 of 1939, s. 3.

[6] The words "Pending the issue of the first orders under this section, the seals hitherto used shall continue to be used by such officers as have used them" were repealed by the Amending Act, 1895 (Bom. 16 of 1895).

CHAPTER III.

OF THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES.

23. [*Governor in Council to direct what officers shall furnish security, and to what amount*]. *Omitted by the Adaptation of Indian Laws Order in Council.*

24. [*Fresh or additional security.*] *Omitted by the Adaptation of Indian Laws Order in Council.*

Demands for money, papers etc., to be made known in writing to the person concerned;

25. The Collector or the Superintendent of Survey or any other officer deputed by the Collector or Superintendent of Survey for this purpose shall, in all cases in which he may have a claim on any revenue officer or on any person formerly employed as such in his department or district for public money or papers or other [1][property of the Crown], by writing under his official seal, if he use one, and signature, require the money, or the particular papers or property detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as the writing may specify.

who may be arrested and confined in jail if he fail to produce them.

If the officer or other person aforesaid shall not discharge the money, or deliver up the papers or property as directed, he may cause him to be apprehended, and may send him with a warrant, in the form of Schedule C, to be confined in the civil jail till he discharges the sums or delivers up the papers or property demanded from him:

Provided that no person shall be kept in confinement for more than a month.

Provided that no person shall be detained in confinement by virtue of any such warrant for a longer period than one calendar month.

Public moneys may also be recovered as arrears of revenue; and search warrant may be issued for recovery of papers or property.

26. The Collector of his own motion, if the officer or other person is or was serving in his department and district, and upon the application of the Superintendent of Survey, if such officer or person is or was serving in the survey department in his district, may also take proceedings to recover any public moneys due by him in the same manner and subject to the same rules as are laid down in this Act for the recovery of arrears of land revenue from defaulters, and for the purposes of recovering public papers or other property [2][of the Crown] may issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure.

Persons in possession of public moneys, etc., bound to give them up.

It shall be the duty of all persons in possession of such public moneys, papers or other property [1][of the Crown] to make over the same forthwith to the Collector, and every person knowing where any such property is concealed shall be bound to give information of the same to the Collector.

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[1] The words "property of the Crown" were substituted for the words "Government property" by the Adaptation of Indian Laws Order in Council.

[2] The words "of the Crown" were substituted for the words "appertaining to Government" *ibid.*

27. The surety or sureties of such officer or other person as is aforesaid, [1]* * * * shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against, in case of default, and notwithstanding such principal may be so proceeded against:

* Surety to be liable in the same manner as principal.

Provided always that in any case of failure to discharge or make good any sum of money due to [2][the Crown] or to produce any property of [2][the Crown] of ascertained value no greater sum than is sufficient to cover any loss or damage which the [3][Provincial Government] may actually sustain by the default of the principal, shall be recovered from the surety or sureties as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them:

Extent of liability.

And provided also that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Government treasury the whole or such part of the penalty named in the bond as may be demanded.

Sureties not liable to imprisonment, if penalty be paid.

28. If an officer or other person as aforesaid or his surety or sureties against whom a demand is made, shall give sufficient security in the form of Schedule D, the Collector shall cause such officer or surety if in custody to be liberated, and countermand the sale of any property that may have been attached, and restore it to the owner.

An officer or surety in jail may, by furnishing certain security, obtain his release.

29. The liability of the surety or sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required [4]* * * * and until his bond is cancelled.

Liability of surety not affected by death of principal or by his taking a different appointment.

The heirs of a deceased officer shall be liable by suit in the Civil Court for any claims which [2][the Crown] may have against the deceased, in the same way as they would be for similar claims made by an individual.

Liability of heirs of deceased officer.

30. Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on his stating, in writing, to the officer to whom the bond has been given, that he desires so to withdraw; and his responsibility under the bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his principal concerning moneys, papers or other property for which his principal may become chargeable after the expiration of such period of sixty days, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period, even though the facts establishing such liability may not be discovered till afterwards.

How surety may withdraw from further liability.

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[1] The words and letter "who may enter into a bond, in the form of Schedule B," were omitted by the Adaptation of Indian Laws Order in Council.

[2] The words "the Crown" were substituted for the word "Government", *ibid.*

[3] The words "Provincial Government" were substituted for the word "Government", *ibid.*

[4] The words and figures "under section 23" were omitted, *ibid.*

CHAPTER IV.

[OF CERTAIN ACTS PROHIBITED TO REVENUE OFFICERS, AND OF THEIR PUNISHMENT FOR MISCONDUCT.]

Omitted by the Adaptation of Indian Laws Order in Council.

CHAPTER V.

OF LAND AND LAND REVENUE.

All public roads, etc., and all lands which are not the property of others, belong to the Crown.

[1][37. (*1*) All public roads, lanes and paths, the bridges, ditches, dikes, and fences, on, or beside, the same, the bed of the sea and of harbours and creeks below high-water-mark, and of rivers, streams, nallas, lakes, and tanks, and all canals, and water-courses, and all standing and flowing water, and all lands wherever situated, which are not the property of individuals, or of aggregates of persons legally capable of holding property, and except in so far as any rights of such persons may be established, in or over the same, and except as may be otherwise provided in any law for the time being in force are and are hereby declared to be, with all rights in or over the same, or appertaining thereto, the property of [2][the Crown], and it shall be lawful for the Collector, subject to the orders of the Commissioner, to dispose of them in such manner as he may deem fit, or as may be authorized by general rules sanctioned by [3][the Government concerned], subject always to the rights of way, and all other rights of the public or of individuals legally subsisting.

Explanation.—In this section "high-water-mark" means the highest point reached by ordinary spring-tides at any season of the year.

[1][(*2*) Where any property or any right in or over any property is claimed by or on behalf of [2][the Crown] or by any person as against [2][the Crown], it shall be lawful for the Collector or a survey officer, after formal inquiry of which due notice has been given, to pass an order deciding the claim.]

[1][(*3*) Any suit instituted in any Civil Court after the expiration of one year from the date of any order passed [4]* * * under sub-section (*1*) or sub-section (*2*), or, if one or more appeals have been made against such order within the period of limitation, then from the date of any order passed by the final appellate authority, as determined according to section 204, shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that in the case of an order under sub-section (*2*) the plaintiff has had due notice of such order.]

[5][(*4*) Any person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the [6][Provincial Government].]

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[1] The original s. 37 was numbered sub-section (*1*) of s. 37 and sub-sections (*2*) and (*3*) were added by s. 1 of the Bombay Land-revenue Code (Amendment) Act, 1912 (Bom. 11 of 1912).

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Government concerned" were substituted for the word "Government", *ibid.*

[4] The words "by the Collector" were omitted by Second Schedule of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[5] Sub-section (*4*) was added by s. 1 of the Bombay Land-revenue Code (Amendment) Act, 1912 (Bom. 11 of 1912).

[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

37A. (*1*) Whenever it appears to the [1][Provincial Government] that any public road, lane or path which is the property of [2][the Crown for the purposes of the Province] or part thereof, is not required for the use of the public, the [1][Provincial Government] may, by a notification published in the [3][Official Gazette], make a declaration to such effect, stating in such declaration that it is proposed that the rights of the public as well as of all individuals in or over any such road, lane or path, or part thereof, as the case may be, shall be extinguished. On the publication of such notification, the Collector shall, as soon as possible, cause public notice of such declaration to be given at convenient places on, or in the vicinity of, such road, lane or path, or part thereof, as the case may be. Such declaration and notice shall specify, as far as practicable the situation and limits of such road, lane or path, or part thereof, and shall invite objections to the aforesaid proposal.

Extinction of rights of public and individuals in or over any public road, lane or path not required for use of public.

(*2*) Any member of the public or any person having any interest or right, in addition to the right of public highway, in or over such road, lane or path, or part thereof, or having any other interest or right which is likely to be adversely affected by the proposal may, within ninety days after the issue of the notification under sub-section (*1*), state to the Collector in writing his objections to the proposal, the nature of such interest or right and the manner in which it is likely to be adversely affected, and the amount and particulars of his claim to compensation for such interest or right :

Provided that the Collector may allow any person to make such a statement after the period of ninety days after the issue of the notification under sub-section (*1*) if he is satisfied that such person had sufficient cause for not making it within the said period.

(*3*) The Collector shall give every person who has made a statement to him under sub-section (*2*) an opportunity of being heard either in person or by pleader and shall, after hearing all such persons in such manner and after making such further inquiry, if any, as he thinks necessary, determine the amount of compensation, if any, which should, in his opinion, be given in any case in respect of any substantial loss or damage likely to be caused by the proposed extinction of the rights of the public as well as of individuals as aforesaid. The provisions of sections 9, 10, 11, 12, 13, 14 and 15 of the Land Acquisition Act, 1894, shall, so far as may be, apply to the proceedings held by the Collector for the determination of the amount of compensation under this sub-section :

I of 1894.

Provided that no compensation shall be awarded for the extinction or diminution of the right of public highway over such road, lane or path, or part thereof.

(*4*) The Collector shall submit to the [1][Provincial Government] the record of the proceedings held by him with report containing his recommendations on the objections, if any, received by him and stating the amounts of compensation, if any, which, in his opinion, are payable to any persons.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Crown for the purposes of the Province" were substituted for the word "Government", *ibid.*

[3] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

(*5*) If the [1][Provincial Government] is satisfied, after considering the record of the proceedings and the report, if any, made under sub-section (*4*), that the public road, lane or path, or part thereof specified in the notification under sub-section (*1*) is not required for the use of the public, a declaration shall be published in the [2][Official Gazette] that all rights of the public as well as of individuals in or over such road, lane or path, or part thereof are extinguished ; and all such rights shall thereupon be extinguished, and such road, lane or path, or part thereof shall be at the disposal of [3][the Crown] with effect from the date of such declaration.

(*6*) The decision of the Collector regarding the amount of compensation and the person to whom such compensation, if any, is payable, shall, subject to any modification made by the [1][Provincial Government], be final ; and payments shall be made by the Collector to such persons accordingly.

Lands may be assigned for special purposes, and when assigned shall not be other ise used without sanction of the Collector.

38. Subject to the general orders of [4][the Provincial Government], it shall be lawful for survey officers whilst survey operations are proceeding under Chapter VIII [5]* * *, and at any other time for the [6][Collector], to set apart lands the [7][property of the Crown for the purposes of the Province] and not in the lawful occupation of any person or aggregate of persons, in unalienated villages or unalienated portions of villages, for free pasturage for the village cattle, for forest reserves, or for any other public or municipal purpose ; and lands assigned specially for any such purpose shall not be otherwise [8][used] without the sanction of the [6][Collector] ; and in the disposal of land under section 37 due regard shall be had to all such special assignments.

Regulation of use of pasturage.

39. The right of grazing on free pasturage-lands shall extend only to the cattle of the village or villages to which such lands belong or have been assigned, and shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector with the sanction of the Commissioner. The Collector's decision in any case of dispute as to the said right of grazing shall be conclusive.

Concession of Crown rights to trees in case of settlements completed before the passing of this Act.

40. In villages, or portions of villages, of which the original survey settlement has been completed before the passing of this Act, the right of [3][the Crown] to all trees in unalienated land, except trees reserved by [3][the Crown] or by any survey officer, whether by express order made at, or about the time of such settlement, or under any rule, or general order in force at the time of such settlement, or by notification made and published at, or at any time after, such settlement, shall be deemed to have been conceded to the occupant. But in the case of settlement

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

[3] The words "the Crown" were substituted for the word "Government", *ibid.*

[4] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[5] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[6] This word was substituted for the word "Commissioner" by s. 2 (*1*) of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[7] The words "property of the Crown for the purposes of the Province" were substituted for the words "property of Government" by the Adaptation of Indian Laws Order in Council.

[8] This word was substituted for the words "appropriated or assigned" by s. 11 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

completed before the passing of [1]Bombay Act I of 1865 this provision shall not apply to teak, black-wood or sandal-wood trees. The right of [2][the Crown] to such trees shall not be deemed to have been conceded, except by clear and express words to that effect.

Concession of Crown rights to trees in case of settlements completed after the passing of this Act.

In the case of villages or portions of villages of which the original survey settlement shall be completed after the passing of this Act, the right of [2][the Crown] to all trees in unalienated land shall be deemed to be conceded to the occupant of such land except in so far as any such rights may be reserved by [2][the Crown], or by any survey officer on behalf of [2][the Crown], either expressly at or about the time of such settlement, or generally by notification made and published at any time previous to the completion of the survey settlement of the district in which such village or portion of a village is situate.

Concession of Crown rights to trees in case of land taken up after completion of settlement.

When permission to occupy land has been, or shall hereafter be, granted after the completion of the survey settlement of the village or portion of a village in which such land is situate, the said permission shall be deemed to include the concession of the right of [2][the Crown] to all trees growing on that land which may not have been, or which shall not hereafter be, expressly reserved at the time of granting such permission, or which may not have been reserved, under any of the foregoing provisions of this section, at or about the time of the original survey settlement of the said village or portion of a village.

Trees and forests vesting in the Crown.

41. The right to all trees specially reserved under the provision of the last preceding section, and to all trees, brushwood, jungle, or other natural product growing on land set apart for forest reserves under section 32 of Bombay Act I of 1865 [1]or section 38 of this Act, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in [3][the Crown for the purposes of the Province]; and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as [4][the Provincial Government] may from time to time direct.

Road-side trees.

42. [5][All road-side trees which have been planted and reared by, or under the orders of, or at the expense of, [2][the Crown], and all trees which have been planted and reared at the expense of Local Funds by the side of any road, which vests in [2][the Crown], vest in [2][the Crown]. But in the event of such trees dying, or being blown down, or being cut down by order of the Collector, the timber shall become the property of the holder of the land in which they were growing; and the usufruct, including the loppings of such trees, shall also vest in the said holder; provided that the trees shall not be lopped except under the orders of the Collector.

[6]* * * * * * *

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[1] Bom. 1 of 1865 (excepts ss. 37 and 38) is repealed by s. 2 of this Act, which has been repealed by Bom. 4 of 1913.

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Crown for the purposes of the Province" were substituted for the word "Government", *ibid.*

[4] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[5] These words were substituted for the words "All road-side trees which have been planted and reared by, or under the orders of, or at the expense of Government, or at the expense of local funds vest in Government" by s. 12 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] The last two paragraphs were repealed by s. 12 (*b*), *ibid.*

Recovery of value of trees, etc., unauthorizedly appropriated.

43. Any person who shall unauthorizedly fell and appropriate any tree or any portion thereof or remove [1][from his holdings] any other natural product [1][whether of the like description or not] which is the property of [2][the Crown], shall be liable to [2][the Crown] for the value thereof, which shall be recoverable from him as an arrear of land revenue, in addition to any penalty to which he may be liable under the provisions of this Act for the occupation of the land or otherwise; and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of [3][Crown] property.

The decision of the Collector as to the value of any such tree, or portion thereof, or other natural product, shall be conclusive.

Regulation of supply of fire-wood and timber for domestic or other purposes.

44. In villages or lands in which the rights of [2][the Crown] to the trees have been reserved under section 40 subject to certain privileges of the villagers or of certain classes or persons to cut fire-wood or timber for domestic or other purposes, and in lands which have been set apart under section 38 for forest reserves subject to such privileges, and in all other cases in which such privileges exist in respect of any alienated land, the exercise of the said privileges shall be regulated by rules to be from time to time, either generally or in any particular instance, prescribed by the Collector or by such other officer as [4][the Provincial Government] may direct. In any case of dispute as to the mode or time of exercising any such privileges the decision of the Collector or of such other officer shall be conclusive.

All land liable to pay revenue unless specially exempted.

45. All land, whether applied to agricultural or other purposes, and wherever situate, is liable to the payment of land revenue to [2][the Crown] according to the rules hereinafter enacted except such as may be wholly exempted under the provisions of any special contract with [2][the Crown] or any law for the time being in force.

And special exemption may in case of necessity be overruled for a time.

But nothing in this Act shall be deemed to affect the power of the Legislature to direct the levy of revenue on all lands under whatever title they may be held whenever and so long as the exigencies of the State may render such levy necessary.

Liability of alluvial lands to land revenue.

46. All alluvial lands, newly-formed islands, or abandoned river-beds which vest, under any law for the time being in force in any holder of alienated land, shall be subject in respect of liability to the payment of land revenue to the same privileges, conditions, or restrictions as are applicable to the original holding in virtue of which such lands, islands, or river-beds so vest in the said holder, but no revenue shall be leviable in respect of any such lands, islands, or river-beds until or unless the area of the same exceeds half an acre and also exceeds one-tenth of the area of the said original holding.

Assessment of land revenue in cases of diluvion.

47. Every holder of land paying revenue in respect thereof shall be entitled, subject to such rules as may be from time to time made in this behalf by the [5][Provincial Government], to a decrease of assessment if any portion thereof, not being less than half an acre in extent, [6]* * * is lost by diluvion.

[7]* * * * * * *

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[1] These words were inserted by the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[2] The words "the Crown" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

[3] The word "Crown" was substituted for the word "Government". *ibid.*

[4] The words "Provincial Government" were substituted for the word "Government". *ibid.*

[5] The words "Provinial Government" were substituted for the words "Governor in Council", *ibid.*

[6] The words "nor less than one-tenth of the holding" were repealed by s. 13 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[7] The definition of "holding" was repealed by Bom. 4 of 1913, s. 13.

[1]48. (*1*) The land revenue leviable on any land under the provisions of this Act shall be assessed, or shall be deemed to have been assessed, as the case may be, with reference to the use of the land— Manner of assessment and alteration of assessment. Prohibition of use of land for certain purposes.

(*a*) for the purpose of agriculture,

(*b*) for the purpose of building, and

(*c*) for a purpose other than agriculture or building.

(*2*) Where land assessed for use for any purpose is used for any other purpose, the assessment fixed under the provisions of this Act upon such land shall, notwithstanding that the term for which such assessment may have been fixed has not expired, be liable to be altered and fixed at a different rate by such authority and subject to such rules as the [2][Provincial Government] may prescribe in this behalf.

(*3*) Where land held free of assessment on condition of being used for any purpose is used at any time for any other purpose, it shall be liable to assessment.

(*4*) The Collector or a survey officer may, subject to any rules made in this behalf under section 214, prohibit the use for certain purposes of any unalienated land liable to the payment of land revenue, and may summarily evict any holder who uses or attempts to use the same for any such prohibited purpose.

49. When it has been customary to levy any special or extra cess, fine, or tax, however designated, from any holder of land, which, though nominally wholly or partially exempt from the payment of land revenue, has by the exaction of such cess, fine, or tax been indirectly taxed to the State, Commuted assessment of land indirectly taxed to the State.

or when any land ordinarily, or under certain circumstances, wholly or partially exempt from assessment, is subject occasionally, or under particular circumstances, to the payment of assessment, or of any cess or tax however designated, And of land liable to occasional assessment.

the said assessment, cess, fine, or tax may be commuted into an annual assessment on the land to be paid under all circumstances, but such commuted assessment shall not exceed such amount as the Commissioner shall deem to be a fair equivalent of the assessment, cess, fine, or tax for which it is susbstituted and shall not be in excess of the assessment to which the land would be ordinarily subject, if no right to exemption existed in respect thereof.

50. Whenever any such cess, fine, or tax hitherto payable by an inferior holder shall be made leviable from the superior holder, it shall be lawful for such superior holder to recover from such inferior holder the amount of the commuted assessment fixed in lieu of such cess, fine or tax. Superior holder may recover commuted assessment from inferior holder.

51. When it has been customary to levy a larger revenue under the name of "*veta*" or any other designation, upon any portion of land than such portion would ordinarily be liable to in consideration of other land being held with it which is wholly or partially exempt from payment of revenue, the excess of revenue payable on the said portion of land may be charged upon the land hitherto held wholly or partially exempt. Excess of assessment may be laid on land inadequately assessed held with it.

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[1] Section 48 was substituted by s. 14, Bom. 4 of 1913.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Assessment by whom to be fixed.

[1]52.* [2][(*1*)] On all lands which are not wholly exempt from the payment of land revenue, [3][and] on which the assessment has not been fixed under the provisions of [4][Chapter VIII-A,] the assessment of the amount to be paid as land revenue shall, subject to rules [5]* * made in this behalf under section 214, be fixed at the discretion of the Collector, for such period [6][not exceeding ninety-nine years] as he may, [7]* * * * be authorized to prescribe, and the amounts due according to such assessment shall be levied on all such lands:

Proviso.

Provided that in the case of lands partially exempt from land revenue, or the liability of which to payment of land revenue is subject to special conditions or restrictions, respect shall be had in the fixing of the assessment and the levy of the revenue to all rights legally subsisting, according to the nature of the said rights.[8]]

[9][(*2*) After the expiry of the period for which the assessment of any land is fixed under sub-section (*1*), the Collector may, from time to time, revise the same in accordance with the rules made in this behalf by the Provincial Government. The assessment so revised shall be fixed each time for such period not exceeding ninety-nine years as the Provincial Government may, by general or special order, specify.]

Register of alienated lands.

53. A Register shall be kept by the Collector in such form as may from time to time be prescribed by the [10][Provincial Government] of all lands, the alienation of which has been established or recognized under the provisions of any law for the time being in force; and when it shall be shown to the satisfaction of the Collector that any sanad granted in relation to any such alienated lands has been permanently lost or destroyed, he may, subject to the rules and the payment of the fees prescribed by the [10][Provincial Government] under section 213, grant to any person whom he may deem entitled to the same a certified extract from the said Register, which shall be endorsed by the Collector to the effect that it has been issued in lieu of the sanad said to have been lost or destroyed, and shall be deemed to be as valid a proof of title as the said sanad.

Settlement of assessment to be made with the holder directly from Provincial Government.

54. The settlement of the assessment of each portion of land, or survey number, to the land revenue, shall be made with the person who, under section 136, is primarily responsible to [11][the Provincial Government] for the same.

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[1] Section 52 was substituted by Bom. 6 of 1901.

*See section 5 of Bom. 6 of 1901, which is as under:—

"5. *Saving validity of past assessments purporting to have been fixed under section 52.*—Any assessment of land revenue heretofore fixed by the Collector, which expressly purports, or may be reasonably held to have been intended, to have been fixed under section 52 shall be valid and deemed to have been fixed under that section as amended by the foregoing section of this Act, and the amounts due according to such assessment shall, until duly revised or altered, continue to be levied."

[2] Section 52 has been numbered as sub-section (*1*) of section 52 by Bom. 35 of 1948, s. 2.

[3] This word was substituted for the word "or" by the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[4] The word, figures and letter "Chapter VIII A" were substituted for the words and figures "section 102 or 106" by Bom. 20 of 1939, s. 4.

[5] The words "or orders" were repealed by s. 15 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] These words were inserted by Bom. 35 of 1948, s. 2.

[7] The words "by general or special orders of Government in this behalf" were repealed by s. 15 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[8] The validity of past assessments purporting to have been fixed under s. 52 is saved by s. 5 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[9] Sub-section (*2*) was inserted by Bom. 35 of 1948, s. 2 (*2*).

[10] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[11] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[1]* * * * * *

55. The [2][Provincial Government] may authorize the Collector or the officer in charge of a survey or such other officer as [3][it] deems fit to fix such rates as [3][it] may from time to time deem fit to sanction, for the use, by land-holders and other persons, of water, the right to which vests in [4][the Crown], [5][and in respect of which no rate is leviable under the Bombay Irrigation Act, 1879]. Such rates shall be liable to revision at such periods as [6][the Provincial Government] shall from time to time determine, and shall be recoverable as land revenue.

Rates for the use of water.

Bom. VII of 1879.

56. Arrears of land revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land, liable to forefeiture, whereupon the Collector may levy all sums in arrears by sale of the occupancy or alienated holding, [7]* * * or may otherwise dispose of such occupancy or alienated holding under rules [8]* * made in this behalf under section 214, [9][and such occupancy or alienated holding when disposed of, whether by sale as aforesaid, or by restoration to the defaulter, or by transfer to another person or otherwise howsoever, shall, unless the Collector otherwise directs, be deemed to be freed from all tenures, rights, incumbrances and equities theretofore created in favour of any person other than [4][the Crown] in respect of such occupancy or holding].

Land revenue to be a paramount charge on the land.

57. It shall be lawful for the Collector in the event of the forefeiture of a holding through any default in payment or other failure occasioning such forfeiture under the last section or any law for the time being in force, to take immediate possession of [10]* * * * such holding, and to dispose of the same by placing it in the possession of the purchaser or other person entitled to hold it according to the provisions of this Act or any other law for the time being in force.

Forfeited holdings may be taken possession of and otherwise disposed.

[11][**58.** (*1*) Every revenue officer and every hereditary patel and every hereditary village accountant receiving payment of land revenue shall give a written receipt for the same.

Receipts.

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[1] The second paragraph of section 54 was repealed by s. 16 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "Provincial Government" were substituted for the words "Governor in Council." by the Adaptation of Indian laws Order in Council.

[3] The word "it" was substituted for the word "he", *ibid.*

[4] The words "the Crown" were substituted for the word "Government", *ibid.*

[5] These words and figures were substituted for the words "or which has been made available in consequence of the construction, improvement, or repair of any irrigational or other work by or at the instance of Government" by s. 2 of the Bombay Irrigation Act, 1879 (Bom. 7 of 1879), *infra.*

[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[7] The words "freed from all tenures, incumbrances and rights created by the occupant or holder or any of his predecessors in title, or in any wise subsisting as against such occupant, or holder" were repealed by s. 6 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[8] The words "or orders" were repealed by s. 17 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[9] These words were added by s. 6 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[10] The words "the land embraced within" were repealed by s. 18 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[11] Section 58 was substituted by s. 2, 1st Sch., Part II, serial No. 3 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

(*2*) Every superior holder of an alienated village or of an alienated share of a village who is entitled to recover direct from an inferior holder any sum due on account of rent or land revenue shall give to such inferior holder a written receipt for the same.

(*3*) Every hereditary patel and hereditary accountant who receives, in behalf of a superior holder of an alienated village or of an alienated share of a village, any rent or land revenue from an inferior holder shall give to such inferior holder a written receipt for the same. Such receipts shall be a full discharge to such inferior holder for such rent or land revenue as against such superior holder. A copy of such receipts shall in every case be sent to the superior holder by such patel or accountant.]

Penalty for failure to grant receipts.

59. Any person convicted of a breach of the provisions of the last preceding section after summary inquiry before the Collector shall be liable to a fine not exceeding three times the amount received for which a receipt was not duly granted [1][or Rs. 100] and one-half of the fine may, at the discretion of the Collector, be paid to the informer, if any. Such inquiry may at any time be instituted by the Collector of his own motion without any complaint being preferred to him.

CHAPTER VI.

[2][Of the Grant, Use and Relinquishment of Unalienated Land.]

Written permission of Mamlatdar or Mahalkari required previous to taking up unoccupied land.

60. Any person desirous of taking up unoccupied land which has not been alienated must, previously to entering upon occupation, obtain the permission in writing of the Mamlatdar or Mahalkari.

Penalties for unauthorized occupation of land.

61. [3][Any person who shall unauthorizedly enter upon occupation of any land set apart for any special purpose, or any unoccupied land which has not been alienated, and any person who uses or occupies any such land to the use or occupation of which by reason of any of the provisions of this Act he is not entitled or has ceased to be entitled shall,]

if the land which he unauthorizedly occupies forms part of an assessed survey number, pay the assessment of the entire number for the whole period of his [4][unauthorized] occupation, and

if the land so occupied by him has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land [used for] the same purpose;

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[1] The word, letters and figures "or Rs. 100" were inserted by Bom. 29 of 1939, s. 30, read with Bom. 67 of 1948, s. 89.

[2] This heading was substituted for the original heading "Of the occupation of unalienated land and the rights of occupants" by s. 19 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] These words were substituted for the words "Any person who shall unauthorizedly occupy any land set apart for any special purpose or any unoccupied land which has not been alienated shall" by s. 2 of the Bombay Land Revenue Code (Amendment) Act, 1921 (Bom. 3 of 1921).

[4] This word was inserted, *ibid.*

[5] These words were substituted for the words "appropriated to" by s. 20 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

and shall also be liable, at the discretion of the Collector, to a fine not exceeding five rupees, or a sum equal to ten times the amount of assessment payable by him for one year, if such sum be in excess of five rupees, if he have taken up the land for purposes of cultivation, and not exceeding such limit as may be fixed in rules [1]* * made in this behalf under section 214, if he have [2][used if for] any non-agricultural purpose.

The Collector's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be conclusive, and in determining its amount occupation for [3][a portion] of a year shall be counted as for a whole year.

The person unauthorizedly occupying any such land may be summarily evicted by the Collector, and any crop [4]* * * raised in the land shall be liable to forfeiture, and any building, or other construction [4]* * * erected thereon shall also, if not removed by him after such written notice as the Collector may deem reasonable, be liable to forfeiture, [5][or to summary removal.]

Forfeitures under this section shall be adjudged by the Collector, and any property so forfeited shall be disposed of as the Collector may direct [5][and the cost of the removal of any encroachment under this section shall be recoverable as an arrear of land-revenue].

Unoccupied land may be granted on conditions.

[6][**62.** It shall be lawful for the Collector subject to such rules as may from time to time be made by the [7][Provincial Government] in this behalf, to require the payment of a price for unalienated land or to sell the same by auction, and to annex such conditions to the grant as he may deem fit, before permission to occupy is given under section 60. The price (if any) paid for such land shall include the price of the [8][Crown] right to all trees not specially reserved under the provisions of section 40, and shall be recoverable as an arrear of land revenue.]

Grant of alluvial land vesting in the Crown.

[6][**63.** When it appears to the Collector that any alluvial land, which vests under any law for the time being in force in [9][the Crown for the purposes of the Province], may with due regard to the interests of the public revenue be disposed of, he shall offer the same to the occupant (if any) of the bank or shore on which such alluvial land has formed.

The price of the land so offered shall not exceed three times the annual assessment thereof.

If the said occupant shall refuse the offer, the Collector may dispose of the land without any restrictions as to the price to be asked.

For the purpose of this section, notwithstanding anything contained in section 3, if the bank or shore has been mortgaged with possession, the mortgagor shall be deemed to be the occupant thereof.]

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[1] The words "or orders" were repealed by s. 20 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were substituted for the words "appropriated it to", *ibid.*

[3] These words were substituted for the words "an incomplete portion" by the Amending Act, 1895 (16 of 1895).

[4] The words "he may have" were repealed by s. 7 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[5] These words were added by the first Schedule of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[6] Sections 62 and 63 were substituted by ss. 21 and 22, respectively, of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[7] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[8] The word "Crown" was substituted for the word "Government", *ibid.*

[9] The words "the Crown for the purposes of the Province" were substituted for the word "Government", *ibid.*

Temporary right to alluvial lands of small extent.

64. When alluvial land forms on any bank or shore, the occupant, if any, of such bank or shore shall be entitled to the temporary use [1]* * thereof unless or until the area of the same exceeds [2][one] acre [3]* * * * . When the area of the alluvial land exceeds the said extent, it shall be at the disposal of the Collector subject to the provisions of the last preceding section.

[4]* * * * * * *

Uses to which occupant of land for purposes of agriculture may put his land.

65. An occupant of land [5][assessed or held for the purpose of agriculture] is entitled by himself, his servants, tenants, agents, or other legal representatives, to erect farm-buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land, or its more convenient [6][use for the purpose aforesaid].

Procedure if occupant wishes to apply his land to any other purpose.

But, if any occupant [7][wishes to use his holding or any part thereof for any other purpose] the Collector's permission shall in the first place be applied for by the [8]* occupant.

[9][The Collector, on receipt of such application,

(*a*) shall send to the applicant a written acknowledgment of its receipt, and

(*b*) may, after due inquiry, either grant or refuse the permission applied for :

Provided that, where the Collector fails to inform the applicant of his decision on the application within a period of three months, the permission applied for shall be deemed to have been granted ; such period shall, if the Collector sends a written acknowledgment within seven days from the date of receipt of the application, be reckoned from the date of the acknowledgment, but in any other case it shall be reckoned from the date of receipt of the application.]

Unless the Collector shall in particular instances otherwise direct, no such application shall be recognized except it be made by the [8]* occupant.

Fine to be levied for such use in addition to special assessment.

When any such land is thus [10][permitted to be used for any purpose unconnected with agriculture] it shall be lawful for the Collector, subject to the general orders of [11][the Provincial Government], to require the payment of a fine in addition to any new assessment which may be leviable under the provisions of section 48.

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[1] The words "and occupation" were repealed by s. 23 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] This word was substituted for the words "half an", *ibid.*

[3] The words "and also exceeds one-tenth of the area of his holding" were repealed, *ibid.*

[4] The second paragraph was repealed, *ibid.*

[5] These words were substituted for the words "appropriated for the purposes of agriculture" by s. 24 (*a*), *ibid.*

[6] These words were substituted for the words "occupation for the purposes aforesaid", *ibid.*

[7] These words were substituted for the words "wishes to appropriate his holding or any part, thereof to any other purpose", *ibid.*

[8] The word "registered" was repealed by s. 24 (*b*), *ibid.*

[9] This paragraph was substituted for the original paragraph by serial No. 4, Pt. II of Sch. II of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[10] These words were substituted for the words "appropriated to any purpose unconnected with agriculture" by s. 24 (*a*) o Bom. 4 o 1913.

[11] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

66. If any such land be so [1][used] without the permission of the Collector being first obtained, or before the expiry of [2][the period prescribed by section 65], the occupant and any tenant, or other person holding under or through him, shall be liable to be summarily evicted by the Collector from the land so [1][used] and from the entire field or survey number of which it may form a part, and the [3]* occupant shall also be liable to pay, in addition to the new assessment which may be leviable under the provisions of section 48 for the period during which the said land has been so [1][used], such fine as the Collector may, subject to the general orders of [4][the Provincial Government], direct. Penalty for so using land without permission.

Any [5]* * * tenant of any occupant or any other person holding under or through an occupant, who shall without the [3]* occupant's consent [6][use any such land for] any such purpose, and thereby render the said [3]* occupant liable to the penalties aforesaid, shall be responsible to the said [3]* occupant in damages. Tenant responsible to occupant in damages.

67. Nothing in the last two preceding sections shall prevent the granting of the permission aforesaid [7]* * * on such terms [8][or conditions] as may be [9][prescribed by the Collector, subject to any rules made in this behalf by the [10][Provincial Government].] Permission may be granted on terms.

68. An occupant is entitled to the use and occupation of his land for the period, if any, to which his [11][tenure] is limited, or if the period is unlimited, or a survey settlement has been extended to the land, in perpetuity conditionally on the payment of the amounts due on account of the land revenue for the same, according to the provisions of this Act, or of any rules made under this Act, or of any other law, for the time being in force, and on the fulfilment of any other terms [12][or conditions] lawfully annexed to his [11][tenure]: Occupant's rights are conditional.

[13][Provided that nothing in this or any other section shall make it, or shall be deemed ever to have made it, unlawful for the Collector at any time to grant permission to any person to occupy any unalienated unoccupied land, for such period and on such conditions as he may, subject to [14][rules made by the [10][Provincial Government] in this behalf], prescribe, and in any such case the occupancy shall, whether a survey settlement has been extended to the land or not, be held only for the period and subject to the conditions so prescribed.] Proviso.

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[1] This word was substituted for the word "appropriated" by s. 25 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were substituted for the words "three months from the date of the aforesaid acknowledgment" by Pt. II, Serial No. 5 of Schedule I of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[3] The word "registered" was repealed by s. 25 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "co-occupant or any" were repealed by Bom. 4 of 1913, s. 25 (*b*).

[6] These words were substituted for the words "appropriate any such land to" by s. 25 (*a*), *ibid.*

[7] The words "in special cases" were repealed by s. 26, *ibid.*

[8] These words were inserted by s. 8 (*1*) of the Bombay Land-revenue Code (Amendment) Act, 1901 Bom. 6 of 1901).

[9] These words were substituted for the words "agreed on between Government and the registered occupant" by s. 26 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[10] The words "Provincial Government" were substituted for the words "Governor in Council by the Adaptation of Indian Laws Order in Council.

[11] This word was substituted for the word "occupancy" by s. 27 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[12] These words were inserted by s. 8 (*1*) of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[13] This proviso was added by s. 8 (*2*), *ibid.*

[14] These words were substituted for the words "the orders of Government" by s. 27 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913.)

Reservation of right of the Crown to mines and mineral products.

69. The right of [1][the Crown] to mines and mineral products in all unalienated land is and is hereby declared to be expressly reserved :

Proviso.

Provided that nothing in this section shall be deemed to affect any subsisting rights of any occupant of such land in respect of such mines or mineral products.

Occupancy when not liable to process of Civil Court; the Court to give effect to Collector's certificate.

70. [2]* * * * In any case where [3][an occupancy] is not transferable without the previous sanction of the Collector, and such sanction has not been granted to [4][a transfer] which has been made or [5][ordered by Civil Court] or on which the Court's decree or order is founded,

(*a*) such occupancy [6]* * shall not be liable to the process of any Court, and such transfer shall be null and void, and

(*b*) the Court, on receipt of a certificate under the hand and seal of the Collector, to the effect that any such occupancy [6]* * is not transferable without his previous sanction and that such sanction has not been granted, shall remove any attachment or other process placed on or set aside any sale of, or affecting, such occupancy [7]* * *.

71. [*Name of heir to be registered when registered occupant dies.*] *Repealed by Bom. IV of 1913, s. 29.*

Intestate occupancy or holding to be sold.

72. If an occupant who is either a Hindu, a Mahomedan, or a Buddhist dies intestate and without known heirs, the Collector shall dispose of his occupancy by sale, subject to the provisions of this Act or of any other law at the time in force for the sale of forfeited occupancies in realization of the land revenue, and the law at the time in force concerning property left by Hindus, Mahomedans or Buddhists, dying intestate and without known heirs shall not be deemed to apply to the said occupancy but only to the proceeds of such sale after deducting all arrears of land revenue due by the deceased to [1][the Crown] and all expenses of the said sale.

Occupancy to be transferable and heritable.

[8][**73.** [9][An occupancy] shall, subject to the provisions contained in section 56, and to any conditions lawfully annexed to the [10][tenure], and save as otherwise prescribed by law, be deemed an heritable and transferable property].

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[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words repealed by s. 28 (*a*) of the Bombay Land-revenue (Amendment) Act (Bom. 4 of 1913) have been omitted.

[3] These words were substituted for the words "the occupancy or interest of the occupant in the land" by s. 28 (*b*), *ibid.*

[4] These words were substituted for the words "the transfer", *ibid.*

[5] These words were substituted for the words "ordered by the Court", *ibid.*

[6] The words "or interest" were repealed by s. 28 (*c*), *ibid.*

[7] The words "or interest in the land" were repealed, *ibid.*

[8] Section 73 was substituted by s. 10 of the Bombay Land Revenue Amendment Act, 1901 (Bom. 6 of 1901).

[9] These words were substituted for the words "the right of occupancy" by s. 30 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[10] This word was substituted for the word "occupancy", *ibid.*

[1][**73A.** (*1*) Notwithstanding anything in the foregoing section, in any tract or village to which [2][the Provincial Government] may, by notification published before the introduction therein of an original survey settlement under section 103, declare the provisions of this section applicable, [3][occupancies] shall not after the date of such notification be transferable without the previous sanction of the Collector. Power to restrict right of transfer.

(*2*) [4][The Provincial Government] may, by notification in the [5][Official Gazette], from time to time exempt any part of such tract or village or any person or class of persons from the operation of this section.]

[6][**74.** The occupant may relinquish his land, that is, resign it in favour of [7][the Crown], but subject to any rights, tenures, incumbrances or equities lawfully subsisting in favour of any person (other than [7][the Crown] or the occupant), by giving notice in writing to the Mamlatdar or Mahalkari before the 31st March in any year or beforesuch other date as may from time to time be prescribed in this behalf by the [8][Provincial Government], and such relinquishment shall have effect from the close of the current year: Relinquishment.

Provided that no portion of land which is less in extent than a whole survey number or sub-division of a survey number may be relinquished.]

75. [*Relinquishment of lands paying lump-assessment.*] *Repealed by Bom. IV of 1913, s. 33 (1).*

76. The provisions of [9][the last section] shall apply as far as may be, to the holders of alienated land: Provided that, Relinquishment of land described in paragraph 1 of section 49.

(*a*) it shall not be lawful to relinquish as aforesaid, any portion of any land held wholly or partially exempt under the circumstances described in the first paragraph of section 49 until the commuted assessment payable in respect of such portion of land has been determined under the provisions of the said section; and that

(*b*) if any person relinquish land on which, under the circumstances described in section 51, a larger revenue is levied than would ordinarily be leviable on such land, he shall be deemed to have relinquished also the land held with it which is wholly or partially exempted from payment of revenue. Relinquishment of land described in section 51.

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[1] Section 73A was inserted by s. 11 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the words "the occupancy for interest of the occupant in the land" by s. 31 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

[6] Section 74 was substituted by s. 32 of the Bombay Land-revenue (Amendment) Act 1913 (Bom. 4 of 1913).

[7] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[8] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[9] These words were substituted for the words "the two last sections" by s. 33 (*2*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

Right of way to relinquished land.

77. If any person relinquishes land, the way to which lies through other land which he retains, the right of way through the land so retained shall continue to the future holder of the land relinquished.

Saving of operation of section 74 in certain cases.

78. Nothing in [1][section 74] shall affect—

[2]* * * * * *

[2]* the validity of the terms or conditions of any lease or other express instrument under which land is, or may hereafter be, held from [3][the Crown].

79. [*Occupant to continue liable for demands until occupancy relinquished.*] *Repealed by Bom. IV of 1913, s. 35.*

Summary eviction of person unauthorizedly occupying land.

[4][**79A.** Any person unauthorizedly occupying, or wrongfully in possession of, any land

[5][(*a*) to the use or occupation of which by reason of any of the provisions of this Act he is not entitled or has ceased to be entitled, or]

(*b*) [6][which] is not transferable without previous sanction under section 73A or by virtue of any condition lawfully [7][annexed to the tenure] under the provisions of section 62, 67 or 68,

may be summarily evicted by the Collector.]

To prevent forfeiture of occupancy certain persons other than the occupant may pay the land revenue.

Collector may assist such persons in recovering the revenue from other parties liable therefor.

80. In order to prevent the forfeiture of an occupancy under the provisions of section 56 or of any other law for the time being in force, through non-payment by the [8]* occupant of the land revenue due on account thereof, it shall be lawful for any [9][person interested] to pay on behalf of such [9]* occupant all sums due on account of land revenue, and [10][the Collector shall on due tender thereof] receive the same. And in any such case the Collector may [11][under section 86] give to the person who has paid the land revenue as aforesaid [12][aid for the recovery of any portion of such land revenue] which he may consider to be properly payable by other persons [13]* * *:

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[1] The word and figures were substituted for the words and figures "sections 75 and 76" by s. 34 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] Clause (*a*) and the letter "*b*" were repealed, *ibid.*

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] Section 79A was inserted by s. 12 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[5] Clause (*a*) was substituted by s. 3 of the Bombay Land Revenue Code (Amendment) Act, 1921 (Bom. 3 of 1921).

[6] This word was substituted for the words "of which the occupancy right" by s. 36 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[7] These words were substituted for the words "annexed to the occupancy", *ibid.*

[8] The word "registered" was repealed by s. 37, *ibid.*

[9] These words were substituted for the words "co-occupant tenant, mortgagee or other person interested in the continuance of the occupancy" by s. 37 (*a*), *ibid.*

[10] These words were substituted for the words "for the Collector to" by s. 2 (*J*) and first Schedule of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[11] These words were inserted by s. 37 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[12] These words were substituted for the words "such aid for the recovery of the proportional amounts" by s. 37 (*c*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[13] The words "in occupation of parts of a field or survey-number as he might legally have given had the persons so paying been the registered occupants" were repealed by s. 37 (*e*), *ibid.*

Provided that nothing authorized or done under the provisions of this section shall affect the rights of the parties interested as the same may be established in any suit between such parties in a Court of competent jurisdiction. Proviso.

81. [*When Collector may make co-occupant the registered occupant, instead of selling occupancy to realize land revenue.*] *Repealed by Bom. IV of 1913, s. 38.*

82. It shall be lawful for the [1][Provincial Government] by notification in the [2][Official Gazette] from time to time; Provincial Government empowered to suspend operation of section 60 or 74.

(*a*) to suspend the operation of section 60 or 74, or of both, within any prescribed local area, either generally, or in respect of cultivators or occupants of a particular class or classes, and

(*b*) to cancel any such notification.

During the period for which any notification under the above clause (*a*) is in force within any local area, such rules shall be substituted for the provisions of which the operation is suspended as the Commissioner shall from time to time direct.

CHAPTER VII.

OF SUPERIOR AND INFERIOR HOLDERS.

83. A person placed, as tenant, in possession of land by another, or, in that capacity, holding, taking, or retaining possession of land permissively from or by sufferance of another, shall be regarded as holding the same at the rent, or for the services agreed upon between them; or in the absence of satisfactory evidence of such agreement, at the rent payable or services renderable by the usage of the locality, or, if there be no such agreement or usage, shall be presumed to hold at such rent as, having regard to all the circumstances of the case, shall be just and reasonable. Amount of rent payable by tenant.

And where by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement is forthcoming, and there is not any such evidence of the period of its intended duration, if any, agreed upon between the landlord and tenant, or those under whom they respectively claim title, or any usage of the locality as to duration of such tenancy, it shall, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and of those who derive title under him. Duration of tenancy.

And where there is no satisfactory evidence of the capacity in which a person in possession of land in respect of which he renders service or pays rent to the landlord, received, holds or retains possession of the same, it shall be presumed that he is in possession as tenant. Presumption as to tenure.

Nothing contained in this section shall affect the right of the landlord (if he have the same either by virtue of agreement, usage, or otherwise) to enhance the rent payable, or services renderable by the tenant, or to evict the tenant for non-payment of the rent or non-rendition of the services, either respectively originally fixed or duly enhanced as aforesaid. Saving clause.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

Annual tenancy terminates on the 31st March.

84. An annual tenancy shall, in the absence of proof to the contrary be presumed to run from the end of one cultivating season to the end of the next. The cultivating season may be presumed to end on the 31st March.

Three months' notice of termination of tenancy to be given by landlord to tenant, or *vice versa*.

An annual tenancy shall [1][in the absence of any special agreement in writing to the contrary] require for its termination a notice given in writing by the landlord to the tenant, or by the tenant to the landlord, at least three months before the end of the year of tenancy at the end of which it is intimated that the tenancy is to cease. Such notice may be in the form of Schedule E, or to the like effect.

Order granting suspensions or remissions to inferior holders.

[2][**84A.** (*1*) Whenever from any cause the payment of the whole or any part of the land revenue payable to [3][the Provincial Government] by a superior holder in respect of any land is suspended or remitted, the Collector, acting under general or special orders of [3][the Provincial Government], may suspend or remit, as the case may be, the payment to such superior holder of the rent or land revenue of such land by the inferior holder or holders to an amount which—

(*a*) in the case of land in respect of which full assessment is payable to [3][the Provincial Government], shall not exceed double the amount of the land revenue of which the payment by such superior holder has been suspended or remitted by [3][the Provincial Government], and

(*b*) in the case of land in respect of which land revenue less than the full assessment is payable to [3][the Provincial Government], shall not exceed double the amount which, in the opinion of the Collector, would have been suspended or remitted by [3][the Provincial Government] in favour of the superior holder if the full assessment had been payable to [3][the Provincial Government] in respect of such land.

(*2*) In the case of land in respect of which no land revenue is payable to [3][the Provincial Government] by a superior holder, whenever from any cause the payment of the whole or any part of the land revenue payable to [3][the Provincial Government] in respect of any other land in the same neighbourhood has been suspended or remitted, the Collector, acting under the general or special orders of [3][the Provincial Government], may suspend or remit, as the case may be, the payment to such superior holder of the rent or land revenue of the first-mentioned land by the inferior holder or holders to an amount which shall not exceed double the amount which, in the opinion of the Collector, would have been suspended or remitted by [3][the Provincial Government] in favour of the superior holder if the full assessment had been payable to [3][the Provincial Government] in respect of such land.

Such order not to be questioned in any Court.

(*3*) An order passed under sub-section (*1*) or under sub-section (*2*) shall not be questioned in any Court.

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[1] These words were inserted by s. 2 of the Bombay Land Revenue Code Amendment Act, 1914 (Bom. 7 of 1914).

[2] Section 84A was inserted by s. 3, *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*4*) If the superior holder collects any rent or land revenue of which the payment has been remitted, or before the expiration of the period of suspension collects any rent or land revenue of which the payment has been suspended in favour of an inferior holder or holders, the whole of the land revenue remitted or suspended in favour of such superior holder shall, without prejudice to the rights of the inferior holder or holders to recover the rent or land revenue so collected, become immediately payable by the superior holder. **Consequences following on such order.**

(*5*) No application for assistance under sections 86 and 87 shall be entertained, no suit shall lie, and no decree of a Civil Court shall be executed, for the recovery by a superior holder of any rent or land revenue of which the payment has been, remitted, or, during the period of suspension, of any rent or land revenue of which the payment has been suspended in favour of an inferior holder or holders; but, where the payment of rent or land revenue by an inferior holder or holders has been suspended, the period during which the suspension has continued shall be excluded from the period of limitation prescribed for a suit for the recovery of such rent or land revenue.

(*6*) Nothing in this section shall make it unlawful for the superior holder to take the crop-share fixed by custom or agreement in respect of any land on which rent is payable in whole or in part in the form of a share of the crop. **Crop-share fixed by custom or agreement.**

(*7*) Explanation— **Meaning of assessment.**

In respect of land which has not been assessed under the provisions of [1][this Act] the term assessment, for the purposes of this section, includes the rent in land revenue payable by custom or by the usage of the locality.

(*8*) Nothing in this section shall apply to any land situated in the Province of Sind.] **Sind excluded.**

[2][**85.** (*1*) Every superior holder of an alienated village or of an alienated share of a village, in which there are a hereditary patel and a hereditary village accountant, shall receive his dues on account of rent or land revenue from the inferior holders through such patel and accountant. **Recovery of superior holders' dues.**

(*2*) Where such patel and accountant fail to recover in behalf of such superior, holder any sum due and payable to him on account of rent or land revenue, such superior holder shall, with the previous consent of the Collector, be entitled to recover his dues direct from the inferior holders.

(*3*) Where any such patel or accountant has recovered any sum in behalf of such superior holder and fails to account to him for the same, the Collector shall, on written application from the superior holder, recover such sum from such patel or accountant as an arrear of land revenue.

(*4*) Where any such superior holder demands or receives any rent or land revenue from any inferior holder otherwise than through such patel or accountant, he shall, on conviction in a summary inquiry before the Collector, be liable to a fine not exceeding three times the amount of the sum so demanded or received.]

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[1] These words were substituted by Bom. 20 of 1939, s. 3.

[2] Section 85 was substituted by 1st Sch., Part II, Serial No. 6 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

Superior holders entitled to assistance in recovery of dues from inferior holders, etc.

86. Superior holders shall, upon written application to the Collector, be entitled to assistance, by the use of precautionary and other measures, for the recovery of rent or land revenue payable to them by inferior holders, or by co-sharers in their holdings under the same rules, except that contained in section 137, and in the same manner as prescribed in Chapter XI [1]* * * for the realization of land revenue by [2][the Provincial Government].

But application must be made within the revenue year or within the year of tenancy.

Provided that such application be made within the revenue year or within the year of tenancy in which the said rent or land revenue became payable.

The Collector how to proceed on such application being made.

87. [3][(*1*)] On application being made under section 86 to the Collector, he shall cause a written notice thereof to be served on the inferior holder or co-sharer fixing a day for inquiry into the case.

[3][(*2*)] On the day so fixed he shall hold a summary inquiry, and shall pass an order for rendering assistance to the superior holder for the recovery of such amount, if any, of rent or land revenue as appears to him upon the evidence before him to be lawfully due.

Assistance may be refused or granted to a limited extent only.

[3][(*3*)] But, if it appears to the Collector that the question issue at between the parties is of a complicated or difficult nature, he may in his discretion either refuse the assistance asked for, or, if the land to which the dispute relates, has been assessed under the provisions [4][of this Act] grant assistance to the extent only for the assessment so fixed upon the said land.

Civil suit not to be barred.

[3][(*4*)] Nothing in this section shall prevent either party from having recourse to the Civil Courts to recover from the other such amount as he may deem to be still due to him, or to have been levied from him in excess of what was due, as the case may be.

[5][(*5*) One appeal only shall lie from any order passed under this section.]

88. [*Commissioner may, by commissions, confer certain powers on holders of alienated lands.*] *Repealed by Bom. XXIX of 1939, s. 30.*

89. [*Form of such commission.*] *Repealed by Bom. XXIX of 1939, s. 30.*

90. [*Reference must be made by holder of commission to the Collector in certain cases.*] *Repealed by Bom. XXIX of 1939, s. 30.*

91. [*When compulsory process shall cease.*] *Repealed by Bom. XXIX of 1939, s. 30.*

92. [*Power under commission to extend to current and previous year's arrears.*] *Repealed by Bom. XXIX of 1939, s. 30.*

93. [*Holder of commission not to enforce any unusual or excessive demand.*] *Repealed by Bom. XXIX of 1939, s. 30.*

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These sub-sections were originally paragraphs of section 87. They were numbered as sub-sections by s. 39 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] These words were substituted by Bom. 20 of 1939, s. 5.

[5] Sub-section (*5*) was added by s. 39 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

94. [*But holder of commission may establish his right to enhanced rent in Civil Court.*] *Repealed by Bom. XXIX of 1939, s. 30.*

[1][**94A.** (*1*) The superior holder of an alienated village or of an alienated share of a village, in which there are a hereditary patel and a hereditary village accountant and to which a survey settlement has been extended under section 216, may by application in writing to the Assistant or Deputy Collector in charge of the taluka request that the rent or land revenue due to such superior holder may during a period named in the application be recovered as a revenue demand. **Recovery as revenue demand of dues of certain superior holders for specified period.**

(*2*) The Collector may in his discretion sanction the application for a period not exceeding that named by the applicant, and in such case the following provisions shall apply :—

(*a*) Any rent or land revenue that accrues or has accrued due to the superior holder during the sanctioned period or a period of six years previous thereto shall, to an extent not exceeding the assessment fixed on the land, be recoverable under the orders of the revenue authorities as a revenue demand during the sanctioned period.

(*b*) Where any proportion of the land revenue that accrues or has accrued due to [2][the Provincial Government] in respect of unalienated land in the same neighbourhood during the said sanctioned or previous period has been suspended or remitted by proper authority, the Collector may suspend or remit an equal or lesser proportion of the rent or land revenue that accrues or has accrued due to the superior holder during the corresponding period. Any such suspension or remission shall, notwithstanding anything in the [3]Bombay Revenue Jurisdiction Act, 1876, be binding upon the superior holder in any subsequent proceedings in any Civil Court between the superior and inferior holders or their legal representatives, and any proceedings pending at the date of such suspension or remission shall abate to the extent of any claim that may be inconsistent therewith ; and no Civil Court shall entertain any suit against [4][the Crown] in respect of any such suspension or remission. **X of 1876.**

(*c*) Where any such suspension or remission has been granted to an inferior holder, the land revenue (if any) payable by the superior holder shall be suspended or remitted, as the case may be, to a proportionate extent.

(*d*) The balance of any sum recovered under clause (*a*) shall be paid to the superior holder after deduction of the costs, if any, of recovery and of any sum lawfully chargeable upon the sum recovered.]

CHAPTER VIII.

[5][Of Surveys, Assessments and Settlements of Land Revenue.]

95. It shall be lawful for the [6][Provincial Government], whenever it may seem expedient, to direct the survey of any land in any part of the Presidency, with a view to the settlement of the land revenue, and to the record and preservation of rights **Revenue survey may be introduced**

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[1] Section 94A was inserted by s. 41 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] *Supra.*

[4] The words "the Crown" were substituted for the words "the Secretary of State or Government" by the Adaptation of Indian Laws Order in Council.

[5] This heading was substituted by s. 42 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

by Privincial Government into any part of Presidency.

connected therewith, or for any other similar purpose and such survey shall be called a revenue survey. Such survey may extend to the lands of any village, town, or city generally, or to such land only as the [1][Provincial Government] may direct; and subject to the orders of the [1][Provincial Government] it shall be lawful for the officers conducting any such survey to except from the survey settlement any land to which it may not seem expedient that such settlement should be applied.

Control of revenue survey.

The control of every such revenue survey shall vest in and be exercised by the [1][Provincial Government].

Survey Officer may require by general notice or by summons, suitable service from holders of land, etc.

96. It shall be lawful for the survey officer deputed to conduct or take part in any such survey, to require by general notice or by summons, the attendance of holders of lands and of all persons interested therein, in person, or by legally constituted agent duly instructed and able to answer all material questions, and the presence of taluka and village officers, who in their several stations and capacities are legally, or by usage, bound to perform service in virtue of their respective offices and to require from them such assistance in the operations of the survey and such service in connection therewith, as may not be inconsistent with the position of the individual so called on.

Assistance to be given by holders and others in the measurement or classification of lands.

97. It shall be lawful for the survey officer to call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends by furnishing flag-holders; and in the event of a necessity for employing hired labour for this or other similar object, incidental to survey operations, it shall be lawful to assess the cost thereof, with all contingent expenses on the lands surveyed, for collection as a revenue demand.

Survey numbers not to be of less than a certain extent.

98. Except as herein after provided, no survey number comprising land used for purposes of agriculture only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the Commissioner of Survey, with the sanction of [2][the Provincial Government]. A record of the minima so fixed shall be kept in the Mamlatdar's office in each taluka, and shall be open to the inspection of the public at reasonable times.

Exception.

These provisions shall not apply to survey numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Commissioner of Survey given either generally or in any particular instance in this behalf; and any survey number separately recognized in the [3][land records] shall be deemed to have been authorizedly made whatever be its extent.

99. [*Provisions applicable to recognized shares of survey-numbers.*] *Repealed by Bom. IV of 1913, s. 44.*

100. [*Officer in charge of a survey to fix assessments.*] *Repealed by Bom. XX of 1939, s. 6.*

101. [*The assessment so made may be on land or on means of irrigation etc.*] *Repealed by Bom. XX of 1939, s. 6.*

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] These words were substituted for the words "survey records" by s. 43 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

102. [*Assessment so made not leviable without the sanction of Provincial Government. But may be fixed, with or without modification, by the Provincial Government for a term of years.*] *Repealed by Bom. XX of 1939, s. 6.*

103. [*Introduction of settlements.*] *Repealed by Bom. XX of 1939, s. 6.*

104. [*Excess assessment not to be levied in the year in which a survey settlement is introduced; nor in the following year if the number is resigned that year.*] *Repealed by Bom. XX of 1939, s. 6.*

105. The fixing of the assessment under the provisions of [1][this Act] shall be strictly limited to the assessment of the ordinary land revenue, and shall not operate as a bar to the levy of any cess which it shall be lawful for the [2][Provincial Government] to impose under the provisions of any law for the time being in force for purposes of local improvement, such as schools, village, and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or of any rate for the use of water which may be imposed under the provisions of section 55 [3][or of the Bombay Irrigation Act, 1879.]

The fixing of assessment under section 102 limited to ordinary land revenue.

Bom. VII of 1879.

106. It shall be lawful for the [2][Provincial Government] to direct at any time, a fresh [4]* survey or any operation subsidiary thereto : [5]* * *

Provincial Government may direct a fresh survey and revision of assessment.

[6][Provided that when a general classification of the soil of any area has been made a second time, or when any original classification [7][of the soil] of any area has been approved by the [2][Provincial Government] as final, no such classification shall be again made with a view to the revision of the assessment of such area.]

107. [*Conditions applicable to revisions of assessment.*] *Repealed by Bom. XX of 1939, s. 6.*

108. It shall be the duty of the survey officer, [8][or the settlement officer] on the occasion of making or revising a settlement of land revenue, to prepare a register, to be called "the Settlement Register," showing the area and assessment of each survey number, [9][with any other particulars that may be prescribed] and other records in accordance with such orders as may from time to time be made on this behalf by [10][the Provincial Government].

Preparation of statistical and fiscal records.

109. [*Officers to correct clerical and admitted errors in settlement-register, and inquire into and pass orders on applications for mutation of names.*] *Repealed by Bom. IV of 1913, s. 49.*

110. [*Collector to keep survey-records and frame village-records in accordance therewith; and to register changes, etc.*] *Repealed by Bom. IV of 1913, s. 49.*

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[1] These words were substituted for the word and figures "section 102" by Bom. 20 of 1939, s. 7.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] These words were added by s. 2 of the Bombay Irrigation Act, 1879 (Bom. 7 of 1879), *infra*.

[4] The word "revenue" was omitted by Bom. 20 of 1939, s. 8.

[5] The words and figures "but no enhancement of assessment shall take effect till the expiration of the period previously fixed under the provisions of section 102" were omitted, *ibid*, s. 8.

[6] This proviso was substituted for the second paragraph of s. 106 by s. 1 of the Bombay Land Revenue Code Amendment Act, 1886 (Bom. 4 of 1886), *infra*.

[7] These words were inserted by Bom. 20 of 1939, s. 8.

[8] These words were inserted, *ibid*, s. 9.

[9] These words were substituted for the words "together with the name of the registered occupant of such survey number" by s. 48 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[10] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Revenue management of villages or estates not belonging to the Crown that may be temporarily under the management of Provincial Government.

111. In the event of any alienated village or estate coming under the temporary management of [1][servants of the Crown], it shall be lawful for the Collector to let out the lands thereof, at rates determined by means of a survey settlement or at such other fixed rates as he may deem to be reasonable, and [2][to grant unoccupied lands on lease] and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands, so far as such rules may be applicable, and for so long as the said village or estate shall be under the management of [1][servants of the Crown]: provided, however, that any written agreements relating to the land, made by the superior holder of such village or estate, shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of [3][the Crown] on the land.

Maintenance of existing settlements of land revenue.

112. Existing survey settlements of land revenue made, approved and confirmed under the authority of the [4][Provincial Government] shall be, and are hereby declared to be, in force subject to the provisions of this Act.

Partition.

[5][**113.** Expenses properly incurred in making partition of estates paying revenue to [6][the Provincial Government] shall be recoverable as a revenue demand in such proportions as the Collector may think fit from the sharers at whose request the partition is made, or from the persons interested in the partition.]

Partition of certain estates by the Collector on application by co-sharers.

114. Whenever any one or more co-sharers in a khoti estate, into which a revenue survey has been introduced [7][or in a talukdari estate], consent to a partition of the said estate, it shall be lawful for the Collector, or for any other officer duly empowered by him in this behalf, [8]* * * * to divide the said estate into shares according to the respective rights of the co-sharers, and to allot such shares to the co-sharers:

Provided that no such partition shall be made, unless—

(*a*) all the co-sharers are agreed as to the extent of their respective rights in estate, and

(*b*) the assessment of the share or shares of the sharer or sharers consenting to such partition exceeds one-half of the assessment of the entire estate.

In such cases the expenses of partition shall be recovered [9][as a revenue demand] from all the co-sharers in the estate divided.

115. [*Sub-division of numbers at time of revision of survey.*] *Repealed by Bom. IV of 1913, s. 53.*

Division of survey numbers into new survey numbers.

[10][**116.** When any portion of cultivable land is permitted to be used under the provisions of section 65 or 67 for any non-agricultural purpose or when any portion of land is specially assigned under section 38, or when any assessment is altered or levied on any portion of land under sub-section (*2*) or sub-section (*3*) of section 48, such portion may, with the sanction of the Collector, be made into a separate number at any time nowithstanding the provisions of section 98.]

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[1] The words "servants of the Crown" were substituted for the words "Government Officers" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "to sell the occupancy of unoccupied lands by auction" by s. 50 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[5] Section 113 was substituted by s. 51 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[7] These words are repealed in the districts of Ahmedabad, Kaira, Broach and the Panch Mahals by s. 3 of the Gujarat Talukdars Act, 1888 (Bom. 6 of 1888).

[8] The words "subject to the rules contained in the last preceding section" were repealed by s. 52 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[9] These words were substituted for the words and figure "under rule (*3*) of the last preceding section", *ibid.*

[10] Section 116 was substituted by s. 54, *ibid.*

117. [*Bombay Act V of 1862 not affected.*] *Repealed by Bom. 32 of 1949, s. 9.*

[1][**117A.** [2][Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947,—] Division of survey numbers into sub-divisions.

Bom. LXII of 1947.

(*1*) survey numbers may from time to time and at any time be divided into so many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason ;

(*2*) the division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with rules made by the [3][Provincial Government] in this behalf :

Provided that the total amount of the assessment of any survey number or sub-division shall not be enhanced during any term for which such assessment may have been fixed under [4][the provisions of this Act], unless such assessment is liable to alteration under section 48 ;

(*3*) the area and assessment of such sub-divisions shall be entered in such land records as the [3][Provincial Government] may prescribe in this behalf.]

[5][**117B.** [2][Subject to the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947,] if any sub-division of a survey number is relinquished under section 74 or is forfeited for default in payment of land revenue, the Collector shall offer such sub-division at such price as he may consider it to be worth to the occupants of the other sub-divisions of the same survey number in such order as in his discretion he may think fit ; in the event of all such occupants refusing the same, it shall be disposed of as the Collector shall deem fit : Provisions applicable on relinquishment or forfeiture of a sub-division.

Bom. LXII of 1947.

Provided that until the said sub-division shall be occupied or until the entire survey number shall be relinquished, whichever event may first occur, the assessment of the said sub-division shall be levied from the occupants of the other sub-divisions of the survey number in proportion to the amount of assessment due rom such occupants on account of their sub-divisions.

For the purposes of this section notwithstanding anything contained in section 3, if any of the other sub-divisions have been mortgaged with possession, the mortgagors shall be deemed to be the occupants thereof.]

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[6]CHAPTER VIII-A.

Assessment and Settlement of Land Revenue of Agricultural Land.

117C. In this Chapter, unless there is anything repugnant in the subject or context— Interpretation section.

(*1*) "Settlement" means the result of the operations conducted in a taluka or part of a taluka in order to determine the land revenue assessment. Settlement.

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[1] Section 117A was inserted by s. 56 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were inserted by Bom. 62 of 1947, s. 13.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] These words were substituted for the word and figures "section 102" by Bom. 20 of 1939, s. 10.

[5] Section 117B was inserted by s. 56 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] This Chapter was inserted by Bom. 20 of 1939, s. 11.

Term of settlement.

(2) "Term of a settlement" means the period for which the Provincial Government has declared that a settlement shall remain in force.

Group.

(3) "Group" means all lands in a taluka or part of a taluka which, in the opinion of the Provincial Government, are sufficiently homogeneous in respect of the factors enumerated in sub-section (2) of section 117G to admit of the application to them of the same standard rates for the purpose of assessment of land revenue.

Classification value.

(4) "Classification value" means the relative valuation of land as recorded in the survey records having regard to its soil, water and other advantages.

Standard rate.

(5) "Standard rate" means, with reference to any particular class of land in a group, the normal assessment per acre on land in that class of sixteen annas classification value.

Class of land.

(6) "Class of land" means any of the following classes of land, namely, dry crop, rice or garden land.

Rental value.

(7) "Rental value" means the consideration (including premia, if any, or any sum of money paid or promised, or a share of crops, or service or any other thing of value rendered periodically or on specified occasions) for which land is or could be leased for a period of one year for its most advantageous use.

Prescribed.

(8) "Prescribed" means prescribed by rules made under section 214.

Government may direct an original or revision settlement of land revenue of lands comprised in a revenue survey.

117D. (1) The Provincial Government may at any time direct a settlement, hereinafter referred to as an original settlement, of the land revenue of any land of which a revenue survey has been made under section 95.

(2) The Provincial Government may also direct at any time a fresh settlement, hereinafter referred to as a revision settlement, of the land revenue of such land :

Provided that no enhancement of assessment shall take effect before the expiration of the settlement for the time being in force.

The term of settlement.

117E. A settlement shall remain in force for a period of 30 years :

Provided that in the case of any particular settlement, the Provincial Government may, for reasons to be recorded, direct that the settlement shall remain in force for any period less than 30 years :

Provided further that, when in the opinion of the Provincial Government a revision settlement is inexpedient, or when the introduction of such settlement has, for any cause, been delayed, the Provincial Government may extend the term of the settlement for the time being in force for such period as it may think fit.

Limits of enhancement of assessment.

117F. (1) The aggregate existing assessment of lands in a taluka shall not be increased at a settlement by more than 25 per cent.

(2) The aggregate existing assessment of lands in a group shall not be increased at a settlement by more than 25 per cent.

(3) The aggregate existing assessment of lands in a village shall not be increased at a settlement by more than 50 per cent.

(4) The existing assessment of a survey number or a sub-division thereof shall not be increased at a settlement by more than 50 per cent.

(5) Notwithstanding anything contained in this section the Provincial Government may, by notification in the Official Gazette, exclude any lands from the operation of this section.

117G. (*1*) The land revenue assessment on all lands in respect of which a settlement has been directed under sub-section (*1*) or sub-section (*2*) of section 117D and which are not wholly exempt from the payment of land revenue shall, subject to the limitations contained in the proviso to section 52, be determined by dividing the lands to be settled into groups and fixing the standard rates for each group : Assessment how determined.

Provided that the standard rates so fixed shall be such that the aggregate assessment on the occupied lands in any group shall not exceed thirty-five per cent. of the average of the rental values of such lands for a period of 5 years immediately preceding the year in which the settlement is directed.

(*2*) The groups shall be formed on a consideration of the following factors :—

(*i*) physical configuration,
(*ii*) climate and rainfall,
(*iii*) markets,
(*iv*) communications,
(*v*) standard of husbandry,
(*vi*) population and supply of labour,
(*vii*) agricultural resources,
(*viii*) the variations in the area of occupied and cultivated lands during the last 30 years,
(*ix*) wages,
(*x*) prices,
(*xi*) yield of the principal crops,
(*xii*) ordinary expenses of cultivating such crops, including the wages of the cultivator for his labour in cultivating the land,
(*xiii*) rental values of lands used for the purposes of agriculture,
(*xiv*) sales of lands used for the purposes of agriculture.

(*3*) The land revenue assessment of individual survey numbers and sub-divisions shall be based on their classification value in the manner prescribed.

117H. If during 30 years immediately preceding the date on which the settlement for the time being in force expires any improvements have been effected in any land by or at the expense of the holder thereof, the increase in the rental value of such land due to the said improvements shall not be taken into account in fixing the revised assessment thereof. Increase in value due to improvements at the expense of holders not to be taken into account.

117I. In making a settlement the Settlement Officer shall proceed as follows :— Settlement Officer how to proceed for making a settlement.

(*1*) He shall hold enquiry in the manner prescribed by rules made under this Act.

(*2*) He shall divide the lands to be settled into groups.

(*3*) He shall ascertain in the prescribed manner the rental value of lands for the purposes of the settlement.

(*4*) He shall then fix standard rates for each class of land in each group on a consideration of all the factors mentioned in sub-section (*2*) of section 117G.

(*5*) He shall submit to the Collector a report, hereinafter called the settlement report, containing his proposals for the settlement.

117J. (*1*) After the settlement report has been submitted to the Collector, the Collector shall cause such report to be published in the prescribed manner. Settlement report to be printed and published.

(*2*) There shall also be published in each village concerned in the regional language of such village a notice stating for each class of land in the village the existing standard rate and the extent of any increase or decrease proposed therein by the Settlement Officer. The notice shall also state that any person may submit to the Collector his objections in writing to the proposals contained in the settlement report within three months from the date of such notice.

Submission to Government of settlement report with statement of objections etc. and Collector's opinion thereon.

117K. After taking into consideration such objections as may have been received by him, the Collector shall forward to the Provincial Government, through such officers as the Provincial Government may direct, the settlement report with his remarks thereon.

Reference to Revenue Tribunal.

117KK. Any person aggrieved by the report published by the Collector under section 117J may within two months from the date of notice under sub-section (*2*) of section 117J apply to the Provincial Government for reference to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. On such person depositing such amount of costs as may be prescribed the Provincial Government shall direct the report to be sent to the Revenue Tribunal for enquiry. The Revenue Tribunal after making an enquiry in the manner prescribed shall submit its own opinion on the objections raised and on such other matters as may be referred to it by the Provincial Government. The Provincial Government may make rules for the refund of the whole or any portion of the costs in such cases as it deems fit. Bom. XII of 1939.

Settlement report to be laid on table of Legislature and copies to be supplied to the members of each Chamber.

117L. (*1*) The settlement report together with the objections, if any, received thereon and the opinion of the Revenue Tribunal on a reference, if any, made to it under section 117KK shall be laid on the table of each Chamber of the Provincial Legislature and a copy thereof shall be sent to every member of each such Chamber. The said report shall be liable to be discussed by a resolution moved in each Chamber of the Provincial Legislature at its next following session.

Orders on the Settlement Report.

(*2*) After the termination of such session the Provincial Government may pass such orders as it may deem fit :

Provided that no increase in the standard rates proposed in the settlement report shall be made unless a fresh notice as provided in section 117J has been published in each village affected by such rates and objections received, if any, have been considered by the Provincial Government. The provisions of sub-section (*1*) shall, so far as may be, apply to orders to be passed regarding such increase.

(*3*) The orders passed by the Provincial Government under sub-section (*2*) shall be final and shall not be called in question in any Court.

Power of Government to declare particular settlement to be made with reference to prices.

117M. (*1*) Notwithstanding anything contained in this Chapter the Provincial Government may, by notification published in the Official Gazette at the time of passing orders under sub-section (*2*) of section 117L, declare that the provisions of sub-sections (*2*), (*3*) and (*4*) of this section shall apply to any settlement.

(*2*) The settlement dates may be declared to have been fixed with reference to specified prices of specified classes of agricultural produce. When such a declaration

has been made under sub-section (*1*), it shall be lawful for the Provincial Government to enhance or reduce the assessment in such area in any year by granting a rebate or placing a surcharge on the assessment by reference to the alteration of the prices of the classes of agricultural produce specified in the declaration.

(*3*) The prices of agricultural produce shall be recorded and published in the Official Gazette and shall be taken into account in granting a rebate or placing a surcharge under sub-section (*2*).

(*4*) The surcharge shall be levied or the rebate shall be granted under sub-section (*2*) according to the scale prescribed by rules made in this behalf.

117N. (*1*) The Provincial Government may at the time of passing orders under sub-section (*2*) of section 117L exempt any land from assessment under this Chapter for any advantage or specified kind of advantage accruing to it from water. Power to Government to exempt from assessment for water advantages.

(*2*) The Provincial Government may at any time during the term of the settlement, after publishing a notice in the village concerned in the regional language of such village and after the expiry of a period of six months from the date of the publication of such notice, withdraw any exemption granted by it under sub-section (*1*) and direct that such land shall be assessed for such advantage.

117O. After the Provincial Government has passed orders under section 117L and notice of the same has been given in the prescribed manner the settlement shall be deemed to have been introduced and the land revenue according to such settlement shall be levied from such date as the Provincial Government may direct: Introduction of settlement.

Provided that in the year in course of which a survey settlement, whether original or revised, may be introduced under this section, the difference between the old and the new assessment of all lands on which the latter may be in excess of the former shall be remitted and the revised assessment shall be levied only from the next following year:

Provided further that in the year next following that in which any original or revised survey settlement has been introduced any occupant who may be dissatisfied with the increased rate imposed by such new assessment on any of the survey numbers or sub-divisions of survey numbers held by him, shall, on relinquishing such number or sub-division in the manner prescribed by section 74 on or before the 31st March, receive a remission of the increase so imposed.

117P. Nothing in this Chapter shall be deemed to prevent the Settlement Officer from determining and registering the proper full assessment on lands wholly exempt from the payment of land revenue. Assessment of lands wholly exempt from payment of land revenue.

117Q. Notwithstanding anything contained in this Chapter the Provincial Government may direct at the time of passing orders under sub-section (*2*) of section 117L that any land in respect of which a settlement is made under this Chapter shall be liable to be assessed to additional land revenue during the term of the settlement for additional advantages accruing to it from water received on account of irrigation works or improvements in existing irrigation works completed after the Provincial Government has directed the settlement under section 117D Power to Government to direct assessment for water advantages.

and not effected by or at the expense of the holder of the land. Such land revenue shall be leviable only when no rate in respect of such additional advantages is levied under the Bombay Irrigation Act, 1879 : Bom. VII of 1879.

Provided that the Provincial Government shall, before making such direction, publish a notice in this behalf in the village concerned in the regional language of such village and shall consider the objections, if any, received to the proposal contained therein and no such direction shall be issued until after the expiry of a period of six months from the date of publication of such notice.

Settlements made before this Act to be deemed to be made under this Chapter.

117R. All settlements of land revenue heretofore made and introduced and in force at the date of the commencement of the Bombay Land Revenue Code (Amendment) Act, 1939, shall be deemed to have been made and introduced in accordance with the provisions of this Chapter and shall, notwithstanding anything contained in section 117E, be deemed to continue to remain in force until the introduction of a revision settlement.]

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF BOUNDARY-MARKS.

Determination of village-boundaries.

118. The boundaries of villages situated in British territory shall be fixed, and all disputes relating thereto shall be determined by survey officers, or by such other officers as may be nominated by [1][the Provincial Government] for the purpose, who shall be guided by the following rules :—

Village-boundaries may be settled by agreement.

Rule 1.—When the patels and other village officers of any two or more adjoining villages, and, in the case of an alienated village the holder thereof or his duly constituted agent, shall voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. And any village boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means.

Procedure in case of disagreement or dispute.

Rule 2.—If the patels and other village officers, and, in the case of an alienated village, the holder thereof or his duly constituted agent, do not agree to fix the boundaries of their respective villages, in the manner prescribed in the preceding rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation, or any other illegal means, or if there be any pending dispute, the said officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties, and all particulars relating thereto, and shall hold a formal inquiry into the claims of the said parties, and thereafter make an award in the case. If either of the villages concerned be alienated, an award made by a survey officer shall, unless the officer making it be the Superintendent of Survey, be subject to his confirmation, and an award made by any other officer shall be subject to confirmation by such other officer as [1][the Provincial Government] may nominate for the purpose.

Determination of field boundaries.

119. If, at the time of a survey, the boundary of a field or holding be undisputed, and its correctness be affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation, and, if disputed, or if the

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

said holder or person in occupation be not present, it shall be fixed by the survey officer according to the [1][land records] and according to occupation as ascertained from the village officers and the holders of adjoining lands, or on such other evidence or information as the survey officer may be able to procure.

If any dispute arise concerning the boundary of a field or holding which has not been surveyed, or if at any time [2][after the completion of a survey] a dispute arise concerning the boundary of any survey number [3][or sub-division of a survey number], it shall be determined by the Collector, who shall be guided [4][by the land records] if they afford satisfactory evidence of the boundary previously fixed, and if not, by such other evidence as he may be able to procure.

Settlement of boundary disputes by arbitration.

120. If the several parties concerned in a boundary dispute agree to submit the settlement thereof to an arbitration committee, and make application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary shall require the said parties to nominate a committee of not less than three persons, within a specified time, and if within a period to be fixed by the said officer the committee so nominated or a majority of the members thereof arrive at a decision, such decision, when confined by the said officer, or if the said officer be a survey officer lower in rank than a Superintendent of Survey, by the Superintendent of Survey, shall be final :

When award may be remitted for reconsideration.

Provided that the said officer, or the Superintendent of Survey, shall have power to remit the award, or any of the matters referred to arbitration, to the reconsideration of the same committee, for any of the causes set forth in [5][paragraph 14 of the Second Schedule to the Code of Civil Procedure, 1908].

V of 1908.

If arbitration fail, survey officer to settle dispute.

If the committee appointed in the manner aforesaid fail to effect a settlement of the dispute within the time specified, it shall be the duty of the officer aforesaid, unless he or, if the said officer is a survey officer lower in rank than a Superintendent of Survey, the Superintendent of Survey see fit to extend the time, to settle the same as otherwise provided in this Act.

Effect of the settlement of a boundary.

121. [6][(*1*)] The settlement of a boundary under any of the foregoing provisions of this chapter shall be determinative—

(*a*) of the proper position of the boundary line or boundary-marks, and

(*b*) of the rights of the landholders on either side of the boundary fixed in respect of the land adjudged to appertain, or not to appertain, to their respective holdings.

[7][(*2*) Where a boundary has been so fixed, the Collector may at any time summarily evict any landholder who is wrongfully in possession of any land which has been adjudged in the settlement of a boundary not to appertain to his holding or to the holding of any person through or under whom he claims.]

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[1] These words were substituted for the words "village records" by s. 57 of the Bombay Land revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were substituted for the words "after the survey records have been handed over to the Collector", *ibid.*

[3] These words were inserted, *ibid.*

[4] These words were substituted for the words "in the case of survey numbers by the survey records", *ibid.*

[5] These words and figures were substituted for the words and figures "section 520 of the Code of Civil Procedure" by s. 58, *ibid.*

[6] Section 121 was numbered sub-section (*1*) of s. 121 by s. 59, *ibid.*

[7] Sub-section (*2*) was added, *ibid.*

Construction and repair of boundary-marks of survey numbers and villages.

122. It shall be lawful for any survey officer, authorized by a Superintendent of Survey, or Settlement officer, to [1][specify or cause to be constructed, laid out, maintained or repaired] boundary-marks of villages or survey numbers [2][or sub-divisions of survey numbers] whether cultivated or uncultivated, and to assess all charges incurred thereby on the holders or others having an interest therein.

Requisition on landholders to erect or repair boundary-marks.

Such officer may require landholders to construct, [3][lay out, maintain] or repair their boundary-marks, by a notification which shall be posted in the chavdi or other public place in the village, to which the lands under survey belong, directing the holders of survey numbers [2][or sub-divisions] to construct [3][lay out, maintain] or repair, within a specified time, the boundary-marks of their respective survey numbers [2][or sub-divisions] and on their failure to comply with the requisition so made, the survey officer shall then construct [3][lay out] or repair them and assess all charges incurred thereby as hereinbefore provided.

A general notification to be good and sufficient notice of requisition.

A general notification, issued in the manner aforesaid, shall be held to be good and sufficient notice to each and every person having any interest in any survey numbers [2][or sub-divisions] within the limits of the lands to which the survey extends.

Description of boundary marks.

[4][The boundary-marks shall be of such description, and shall be constructed, laid out, maintained or repaired in such manner and shall be of such dimensions and materials as may, subject to rules [5]* * made in this behalf under section 214, be determined by the Superintendent of Survey, according to the requirement of soil and climate.]

Responsibility for the maintenance of boundary-marks.

123. Every landholder shall be responsible for the maintenance and good repair of the boundary-marks of his holding, and for any charges reasonably incurred on account of the same by the revenue officers in cases of alteration, removal, or disrepair. It shall be the duty of the village officers and servants to prevent the destruction or unauthorized alteration of the village boundary marks.

Collector to have charge of boundary-marks after introduction of the survey settlement.

124. When the survey settlement shall have been introduced into a district, the charge of the boundary-marks shall devolve on the Collector, and it shall be his duty to take measures for their [6][construction, laying out], maintenance and repair, and for this purpose the powers conferred on survey officers by section 122 shall vest in him.

Penalty for injuring boundary-marks.

125. Any person convicted after a summary inquiry before the Collector, or before a survey officer, Mamlatdar, or Mahalkari, of wilfully erasing, removing or injuring a boundary-mark, shall be liable to a fine not exceeding fifty rupees for each mark so erased, removed, or injured.

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[1] These words were substituted for the words "caused to be constructed or repaired" by s. 14(*1*) of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[2] These words were inserted by s. 60 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] These words were inserted by s. 14(*2*) of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

[4] This paragraph was substituted by s. 14 (*3*), *ibid.*

[5] The words "or orders" were repealed by s. 60 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] These words were inserted by s. 15 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

One-half of every fine imposed under this section may be awarded by the officer imposing it to the informer, if any, and the other half shall be chargeable with the cost of restoring the mark.

CHAPTER X.

Of Lands within the Sites of Villages, Towns and Cities.

Limits of sites of villages, towns and cities how to be fixed.

126. It shall be lawful for the Collector, or for a survey officer, acting under the general or special orders of [1][the Provincial Government], to determine what lands are included within the site of any village, town, or city, and to fix, and from time to time to vary the limits of the same, respect being had to all subsisting rights of landholders.

Act XI of 1852 and Bombay Act II and VII of 1863 how far applicable to lands in such sites.

127. Act XI of 1852 and Bombay Acts II and VII of 1863 shall be deemed to be applicable, and to have always been applicable, in the territories to which they respectively extend, to all lands within the limits of the site of any town or city in which an inquiry into titles has been made under the provisions of Bombay Act IV of 1868[2] which have been hitherto ordinarily used for agricultural purposes only; but the provisions of the said Acts shall not be deemed applicable to any other lands within the limits of the site of any such town or city.

Existing exemption when to be continued in case of certain lands in towns and cities in which Bombay Act IV of 1868 has been in operation.

128. The existing exemption from payment of land revenue of lands other than lands which have hitherto been ordinarily used for purposes of agriculture only, situate within the sites of towns and cities in which an inquiry into titles has been made under the provisions of Bombay Act IV of 1868,[2] shall be continued—

First—if such lands are situated in any town or city where there has been in former years a survey which [1][the Provincial Government] recognize for the purpose of this section, and are shown in the maps or other records of such survey as being held wholly or partially exempt from the payment of land revenue;

Second—if such lands have been held wholly or partially exempt from the payment of land revenue for a period of not less than five years before the application of Bombay Act I of 1865,[3] or IV of 1868[2] to such town or city;

Third—if such lands, for whatever period held, have been held wholly or partially exempt from payment of land revenue under a deed of grant or of confirmation issued by an officer whom [1][the Provincial Government] recognize as having been competent to issue such deed.

Right to exemption to be determined by the Collector.

129. (*1*) Claims to exemption under the last preceding section shall be determined by the Collector after a summary inquiry, and his decision shall be final.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Bom. 4 of 1868 is repealed by section 2 of this Act, which has been repealed by s. 5 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913.)

[3] Bom. Act 1 of 1865 (except ss. 37 and 38) is repealed by section 2 of this Act, which has been repealed by s. 5 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[1][(2) Any suit instituted in a Civil Court to set aside any order passed by the Collector under sub-section (1), in respect of any land situate within the site of a village, town or city, shall be dismissed (although limitation has not been set up as a defence) if it has not been instituted within one year from the date of the order.]

Occupancy price payable, in addition to assessment in certain cases.

130. In towns and cities to which section 128 applies, the holders of any lands other than lands which have hitherto been used for purposes of agriculture only, which have been unauthorizedly occupied for a period commencing less than two years before Bombay Act I of 1865[2] or IV of 1868[3] was applied to the town or city in which the said lands are situate, shall be liable to pay [4][a price for the said lands] in addition to the land revenue assessed thereupon.

The said [5][price] shall be determined according to the provisions of section 62.

Survey of lands in such sites how to be conducted.

131. If the [6][Provincial Government] shall at any time deem it expedient to direct a survey of the lands other than those used ordinarily for the purposes of agriculture only within the site of any village, town, or city, under the provisions of section 95, or a fresh survey thereof under the provisions of section 106, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters VIII and IX of this Act: Provided that nothing contained in section 96, 97, 101, [7]* 104, or 118 thereof shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants.

Proviso.

In certain cases a survey-fee to be charged.

132. When a survey is extended under the provisions of the last preceding section to the site of any town or city containing more than two thousand inhabitants, each holder of a building-site shall be liable to the payment of a survey-fee to be assessed by the Collector under such rules as may be prescribed in this behalf from time to time by [8][the Provincial Government], provided that the said fee shall in no case exceed [9][ten rupees for each building-site or any portion thereof held separately].

The said survey-fee shall be payable within six months from the date of a public notice to be given in this behalf by the Collector after the completion of the survey of the site of the town or city, or of such part thereof as the notice shall refer to.

[10]* * * * * * *

Sanad to be granted without extra charge.

133. Every holder of a building-site as aforesaid shall be entitled, after payment of the said survey-fee, to receive from the Collector without extra charge one or more sanads, in the form of Schedule H, [11][or to the like effect] specifying by plan and description the extent and conditions of his holding:

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[1] Sub-section (2) was added by s. 2 of the Bombay Land-revenue Code (Amendment) Act, 1912 (Bom. 11 of 1912) which also enacted that the original section 129 should be numbered sub-section (1) of s. 129.

[2] Bom. Act 1 of 1865 (except ss. 37 and 38) is repealed by section 2 of this Act, which has been repealed by s. 5 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] Bom. Act 4 of 1868 is repealed by section 2 of this Act, which has been repealed by s. 5 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] These words were substituted for the words "the price of the occupancy of the said lands" by s. 61, *ibid.*

[5] This word was substituted for the words "occupancy price", *ibid.*

[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[7] The figures "103" were repealed by s. 62 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[8] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[9] These words were substituted for the words "rupees five for each survey number" by s. 63 (a) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[10] The third paragraph was repealed by s. 63 (b), *ibid.*

[11] These words were inserted by s. 64, *ibid.*

Provided that if such holder do not apply for such sanad or sanads at the time of payment of the survey-fee or thereafter within six months from the date of the public notice issued by the Collector under the last preceding section, the Collector may require him to pay an additional fee not exceeding one rupee for each sanad. Proviso.

Every such sanad shall be executed on behalf of the [1][Crown] by such officer as may from time to time be lawfully empowered to execute the same.

134. If any land within the site of any village, town, or city, hitherto ordinarily used for agricultural purposes only, with respect to which a summary settlement has been made between [2][the Crown] and the holder under the provisions of any law for the time being in force, be [3][used for] any other purposes, it shall be liable to payment of one-eighth of the rate fixed for unalienated land used for similar purposes in the same locality, in addition to the quit-rent payable under the terms of such summary settlement. Assessment of lands hitherto used for purpose of agriculture only used for other purposes.

135. [*Limitation of certain suits.*] *Repealed by Bom. XI of 1912, s. 3.*

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[4][CHAPTER X-A.]

Of the Record of Rights.

135A. The [5][Provincial Government] may, by notification in the [6][Official Gazette], direct that this Chapter, or any specified provisions thereof, shall not be in force in any specified local area, or with reference to any lands or any class of villages or lands, or generally. Exemption from provisions of this chapter.

135B. (*1*) A record of rights shall be maintained in every village and such record shall include the following particulars :— The record of rights.

(*a*) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land or assignees of the rent or revenue thereof;

(*b*) the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attaching thereto;

(*c*) the rent or revenue (if any) payable by or to any of such persons;

(*d*) such other particulars as the [5][Provincial Government] may prescribe by rules made in this behalf.

(*2*) Provided that the said particulars shall be entered in the record of rights with respect to perpetual tenancies, and also with respect to tenancies of any other classes to which the [5][Provincial Government] may, by notification in the [6][Official Gazette], direct that the provisions of this section shall apply in any local area or generally.

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[1] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Crown" were substituted for the word "Government", *ibid.*

[3] These words were substituted for the words "appropriated to" by s. 65 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] Chapter X-A was inserted by s. 66, *ibid.*

[5] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[6] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

Acquisition of rights to be reported.

135C. Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant of the land, or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the village accountant within three months from the date of such acquisition, and the said village accountant shall at once give a written acknowledgment of the receipt of such report to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the village accountant;

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the village accountant.

Explanation I.—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge not amounting to a mortgage of the kind specified in section 100 of the Transfer of Property Act, 1882. IV of 1882.

Explanation II.—A person in whose favour a mortgage is discharged or extinguished, or lease determines, acquires a right within the meaning of this section.

Register of mutations and register of disputed cases.

135D. (*1*) The village accountant shall enter in a register of mutations every report made to him under section 135C and shall also make an entry therein respecting the acquisition of any right of the kind mentioned in [1][the first paragraph] of section 135C which he has reason to believe to have taken place and of which a report has not been made to him under the said section.

(*2*) Whenever a village accountant makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in a conspicuous place in the chavdi, and shall give written intimation to all persons appearing from the record of rights or register of mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(*3*) Should any objection to any entry made under sub-section (*1*) in the register of mutations be made either orally or in writing to the village accountant, it shall be the duty of the village accountant to enter the particulars of the objection in a register of disputed cases.

(*4*) Orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by such officers and in such manner as may be prescribed by rules made by the [2][Provincial Government] in this behalf

(*5*) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the [2][Provincial Government] in this behalf: provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

Entries in register of mutations how to be certified.

(*6*) Entries in the register of mutations shall be tested and if found correct, or after correction, as the case may be, shall be certified by a revenue officer of rank not lower than that of a Mamlatdar's first karkun.

Tenancies.

(*7*) The provisions of this section shall apply in respect of perpetual tenancies and also in respect of any tenancies mentioned in a notification under sub-section (*2*) of section 135B, but the provisions of this section shall not apply in respect of other tenancies, which shall be entered in a register of tenancies in such manner and under such procedure as the [2][Provincial Government] may prescribe by rules made in this behalf.

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[1] These words were substituted for the word and figure "sub-section (*1*)" by first schedule of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

135E. (*1*) Any person whose rights, interests or liabilities are required to be, or have been entered in any record or register, under this Chapter shall be bound, on the requisition of any revenue officer or village accountant engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power. Obligation to furnish information.

(*2*) A revenue officer or village accountant to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (*1*) shall at once give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature, stating the fact of its production and the date thereof.

135F. Any person neglecting to make the report required by section 135C, or furnish the information or produce the documents required by section 135E within the prescribed period shall be liable, at the discretion of the Collector, to be charged a fee not exceeding twenty-five rupees, which shall be leviable as an arrear of land revenue. Penalty for neglect to afford information.

135G. Subject to rules made in this behalf by the [1][Provincial Government]— Requisition of assistance in preparation of maps

(*a*) any revenue officer or village accountant may for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Chapter exercise any of the powers of a survey officer under sections 96 and 97, except the power of assessing the cost of hired labour under section 97, and

(*b*) any revenue officer of a rank not lower than that of an Assistant or Deputy Collector or of a survey officer may assess the cost of the preparation or revision of such map or plan and all contingent expenses, including the cost of clerical labour and supervision, on the lands to which such maps or plan relate, and such costs shall be recoverable as a revenue demand.

135H. (*1*) The plaintiff or applicant in every suit or application as hereinafter defined relating to land situated in any area to which this Chapter applies shall annex to the plaint or application a certified copy of any entry in the record of rights, register of mutations or register of tenancies relevant to such land. Certified copy of record to be annexed to plaint or application.

(*2*) If the plaintiff or applicant fails so to do for any cause which the Court or conciliator deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the Court or conciliator, and if such certified copy is not so annexed or produced the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject-matter, with a certified copy annexed.

(*3*) After the disposal of any case in which a certified copy of any such entry has been recorded, the Court shall communicate to the Collector any error appearing in such entry and any alteration therein that may be required by reason of the decree or order, and a copy of such communication shall be kept with the record. The Collector shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the record of rights, register of mutations or register of tenancies. The provisions of this sub-section shall apply also to an appellate or revisional Court: provided that, in the case of an appellate or revisional decree or order passed by the High Court or the Court of the Judicial Commissioner of Sind, the communication shall be made by the Court from which the appeal lay or the record was called for.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

(4) In this section—

(*a*) "suit" means a suit to which the provisions of the Code of Civil Procedure, 1908, or of the Mamlatdars' Courts Act, 1906, apply; V of 1908. Bom. II of 1906.

(*b*) "application" means an application—

(*i*) for the execution of a decree or order in a suit;

(*ii*) for the filing of an agreement stating a case for the opinion of the Court under the Code of Civil Procedure, 1908; V of 1908.

(*iii*) for the filing of an agreement to refer to arbitration under paragraph 17 of the Second Schedule to the said Code;

(*iv*) for the filing of an award under paragraph 20 of the said Schedule;

(*v*) to a conciliator under section 39 of the Dekkhan Agriculturists' Relief Act, 1879;

(*vi*) of any other kind to which the [1][Provincial Government] may, by notification in the [2][*Official Gazette*] direct that this section shall apply; XVII of 1879.

(*c*) an application shall be deemed to relate to land if the decree or other matter, with respect to which the application is made, relates to land;

(*d*) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

Refusal of assistance under section 87.

135I. Notwithstanding anything in section 87, the Collector shall refuse assistance to any superior holder under the said section, if his claim to such assistance is not supported by an entry or entries duly made in the record of rights, register of mutations or register of tenancies.

Presumption of correctness of entries in record of rights and register of mutations.

135J. An entry in the record of rights, and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

Certified copies.

135K. Applications for certified copies of entries in the record of rights, the register of mutations and the register of tenancies may be made to, and such copies may be given by, the village accountant, Mahalkari or Mamlatdar.

Bar of suits and exclusion of Chapter XIII.

135L. (*1*) No suit shall lie against the [3][Crown or any servant of the Crown] in respect of a claim to have an entry made in any record or register that is maintained under this Chapter, or to have any such entry omitted or amended, and the provisions of Chapter XIII shall not apply to any decision or order under this Chapter.

Appeal.

(*2*) The correctness of the entries in the record of rights and register of mutations shall be inquired into and the particulars thereof revised, by such Revenue officers and in such manner and to such extent and subject to such appeal as the [1][Provincial Government] may from time to time by rules prescribe in this behalf.]

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "Crown or any servant of the Crown" were substituted for the words "Secretary of State or Government or any officer of Government", *ibid.*

CHAPTER XI.

OF THE REALIZATION OF THE LAND REVENUE AND OTHER REVENUE DEMANDS.

[1][136. (*1*) In the case of unalienated land the occupant, and in the case of alienated land the superior holder, shall be primarily liable to [2][the Provincial Government] for the payment of the land revenue, including all arrears of land revenue, due in respect of the land. Joint occupants and joint holders who are primarily liable under this section shall be jointly and severally liable. Liability for land revenue.

(*2*) In case of default by any person who is primarily liable under this section the land revenue, including arrears as aforesaid, shall be recoverable from any person in possession of the land :

Provided that where such person is a tenant, the amount recoverable from him shall not exceed the demands of the year in which the recovery is made :

Provided further that, when land revenue is recovered under this section from any person who is not primarily liable for the same, such person shall be allowed credit for any payments which he may have duly made to the person who is primarily liable, and shall be entitled to credit, for the amount recovered from him, in account with the person who is primarily liable.]

137. The claim of [2][the Provincial Government] to any moneys recoverable under the provisions of this Chapter, shall have precedence over any other debt, demand, or claim whatsoever, whether in respect of mortgage, judgment-decree, execution or attachment, or otherwise howsoever, against any land or the holder thereof. Claims of Provincial Government to have precedence over all others.

138. In all cases the land revenue for the current year of land used for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of the land subject to the same. The liability of the crop for the revenue of the land.

139. The land revenue shall be leviable on or at any time after the first day of the revenue year for which it is due ; but, except when precautionary measures are deemed necessary under the provisions of sections 140 to 144, payment will be required only on the dates to be fixed under the provisions hereinafter contained. Land revenue may be levied at any time during the revenue year.

[3][**140.** When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by order of a Civil Court or other public authority or by private agreement, the Collector may prevent its being removed from the land until the demands for the current year in respect of the said land have been paid, whether the date fixed for the payment of the same under the provisions hereinafter contained, has yet arrived or not. Removal of crop which has been sold, etc., may be prevented until revenue paid.

But in no case shall a crop or any portion of the same, which has been sold, mortgaged or otherwise disposed of, be detained on account of more than the demands of the year in which the detention is made.]

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[1] Section 136 was substituted by section 67 of the Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] Section 140 was substituted by section 68 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

In order to secure the land revenue the Collector may prevent the reaping of the crop, or

141. It shall be lawful for the Collector, in order to secure the payment of the land revenue by enforcement of the lien of [1][the Provincial Government] on the crop—

(*a*) to require that the crop growing on any land liable to the payment of land revenue shall not be reaped until a notice in writing has first been given to himself or to some other officer to be named by him, in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt;

the removal thereof, or

(*b*) to direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it may have been deposited, without the written permission of himself or of some other officer as aforesaid;

place watchmen over it.

(*c*) to cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same, and to realize the amount required for the remuneration of the said watchmen, at such rate not exceeding the rate of pay received by the peons on his establishment as he may deem fit, as an arrear of land revenue due in respect of the land to which such crop belongs.

Collector's orders under last section how to be made known.

142. The Collector's orders under either clause (*a*) or clause (*b*) of the last preceding section may be issued generally to all the holders of land paying revenue to [1][Provincial Government] in a village or to individual holders merely.

If the order be general, it shall be made known by public proclamation to be made by beat of drum in the village and by affixing a copy of the order in the chavdi or some other public building in the village. If it be to individual holders, a notice thereof shall be served on each holder concerned.

Penalty for disobedience of order.

Any person who shall disobey any such order after the same has been so proclaimed, or a notice thereof has been served upon him, or who shall, within the meaning of the Indian Penal Code, abet the disobedience of any such order, shall be liable, on conviction after a summary inquiry by the Collector, to a fine not exceeding double the amount of the land revenue due on the land to which the crop belongs in respect of which the offence is committed. XLV of 1860

Reaping, etc., not to be unduly deferred.

Crop when to be released.

143. The Collector shall not defer the reaping of the crop, nor prolong its deposit unduly, so as to damage the produce; and if within two months after the crop has been deposited the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this Chapter or take such portion thereof as he may deem fit, for sale under the provisions of this Chapter applicable to sales of moveable property in realization of the revenue due and of all legal costs, and release the rest.

Temporary attachment and management of a village or share of a village.

144. If owing to disputes amongst the sharers, or for other cause, the Collector shall deem that there is reason to apprehend that the land revenue payable in respect of any holding consisting of an entire village or of a share of a village will not be paid as it falls due, he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

The provisions of section 160 shall apply to any village or share of a village so attached, and all surplus profits of the land attached, beyond the cost of such attachment and management, including the payments of the land revenue and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 111, shall be kept in deposit for the eventual benefit of the person or persons entitled to the same, or paid to the said person or persons from time to time as the Collector [1]* * * may direct.

Powers of manager, and disposal of surplus profits.

145. The precautionary measures authorised by the last five sections shall be relinquished if the person primarily responsible for the payment of revenue or any person who would be responsible for the same if default were made by the person primarily responsible shall pay the costs, if any, lawfully incurred by the Collector up to the time of such relinquishment, and shall furnish security satisfactory to the Collector for the payment of the revenue, at the time at which or in the instalments, if any, in which, it is payable under the provisions hereinafter contained.

Precautionary measures to be relinquished on security being furnished.

146. Land revenue, except when it is recovered under the provisions of the foregoing sections 140 to 144, shall be payable at such times, in such instalments, to such persons and at such places as may from time to time be determined by the orders of [2][the Provincial Government].

Provincial Government to determine the dates, etc., on which land revenue shall be payable.

147. Any sum not so paid becomes thereupon an arrear of land revenue, and the persons responsible for it, whether under the provisions of section 136 or of any other section, become defaulters.

Arrear. Defaulters.

[3]**148.** If any instalments of land revenue be not fully paid within the prescribed time, it shall be lawful for the Collector to impose as a penalty or as interest such charge on such instalments, and on the arrears, if any, of former years, as may be authorized according to a scale to be fixed from time to time under the orders of the [4][Provincial Government], and further to proceed to levy at once the entire balance of land revenue due by the defaulter for the current year:

Provided that no such charge shall be imposed on any instalment, the payment of which has been suspended by order of [2][the Provincial Government], in respect of the period during which the payment remained suspended.]

Liabilities incurred by default.

149. A statement of account, certified by the Collector or by an Assistant or Deputy Collector, shall, for the purposes of this Chapter, be conclusive evidence of the arrear of the amount of land revenue due, and of the person who is the defaulter.

Certified account to be evidence as to arrears.

On receipt of such certified statement, it shall be lawful for the Collector of one district to proceed to recover the demands of the Collector of any other district under the provisions of this Chapter as if the demand arose in his own district.

Collectors may realize each other's demands.

A similar statement of account certified by the Collector of Bombay may be proceeded upon as if certified by the Collector of a district under this Act.

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[1] The words "subject to the orders of the Commissioner" were repealed by section 2 (2) of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] Section 148 was substituted by section 69 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Process for recovery of arrears.

150. An arrear of land revenue may be recovered by the following processes :—

(*a*) by serving a written notice of demand on the defaulter under section 152 ;

(*b*) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due under section 153 ;

(*c*) by distraint and sale of the defaulter's moveable property under section 154 ;

(*d*) by sale of the defaulter's immovable property under section 155 ;

(*e*) by arrest and imprisonment of the defaulter under sections 157 and 158 ;

(*f*) in the case of alienated holding consisting of entire villages, or shares of villages, by attachment of the said villages or shares of villages under sections 159 to 163.

Revenue demands of former years how recoverable.

151. The said processes may be employed for the recovery of arrears of former years as well as of the current year, but the preferences given by sections 137 and 138 shall apply only to demands for the current year :

Proviso.

Provided that any process commenced in the current year shall be entitled to the said preferences, notwithstanding that it may not be fully executed within that year.

When notice of demand may issue.

152. A notice of demand may be issued on or after the day following that on which the arrear accrues.

The Commissioner may from time to time frame rules for the issue of such notices, and with the sanction of the [1][Provincial Government] shall fix the costs recoverable from the defaulter as an arrear of revenue, and direct by what officer such notices shall be issued.

The occupancy or alienated holding for which arrear is due may be forfeited.

153. The Collector may declare the occupancy or alienated holding in respect of which an arrear of land revenue is due, to be forfeited to [2][the Provincial Government], and sell or otherwise dispose of the same under the provisions of sections 56 and 57, and credit the proceeds, if any, to the defaulter's accounts.

Proviso.

[3][Provided that the Collector shall not declare any such occupancy or alienated holding to be forfeited—

(*a*) unless previously thereto he shall have issued a proclamation and written notices of the intended declaration in the manner prescribed by sections 165 and 166 for sales of immovable property, and

(*b*) until after the expiration of at least fifteen days from the latest date on which any of the said notices shall have been affixed as required by section 166.]

Distraint and sale of defaulter's moveable property.

154. The Collector may also cause the defaulter's moveable property to be distrained and sold.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] This proviso was added by s. 16 of the Bombay Land Revenue Code Amendment Act, 1901 (Bom. 6 of 1901).

Such distraints shall be made by such officers or class of officers as the Commissioner under the orders of [1][the Provincial Government] may from time to time direct. By whom to be made.

155. The Collector may also cause the right, title and interest of the defaulter in any immovable property other than the land on which the arrear is due to be sold. Sale of defaulter's immovable property.

V of 1908. **156.** All such property as is by the Civil Procedure Code exempted from attachment or sale in execution of a decree, shall also be exempt from distraint or sale, under either of the last two preceding sections. Exemption from distraint and sale.

The Collector's decision as to what property is so entitled to exemption shall be conclusive.

157. At any time after an arrear becomes due, the defaulter may be arrested and detained in custody for ten days in the office of the Collector or of a Mamlatdar or Mahalkari, unless the revenue due together with the penalty or interest and the costs of arrest and of notice of demand, if any, have issued and the cost of his subsistence during detention is sooner paid. Arrest and detention of defaulter.

If, on the expiry of ten days the amount due by the defaulter is not paid, then, or if the Collector deem fit on any earlier day, he may be sent by the Collector with a warrant, in the form of Schedule C, for imprisonment in the civil jail of the district: Imprisonment in civil jail.

Provided that no defaulter shall be detained in imprisonment for a longer period than the time limited by law in the case of the execution of a decree of a Civil Court for a debt equal in amount to the arrear of revenue due by such defaulter. Defaulters not to be detained in custody longer than debtors may be detained by the Civil Court.

158. The Commissioner may, with the sanction of the [2][Provincial Government], from time to time, declare by what officers, or class of officers, the powers of arrest conferred by section 157 may be exercised, and also fix the costs of arrest and the amount of subsistence-money to be paid by [1][the Provincial Government] to any defaulter under detention or imprisonment. Power of arrest by whom to be exercised.

159. If the holding, in respect of which an arrear is due, consists of an entire village, or of a share of a village, and the adoption of any of the other processes before specified is deemed inexpedient, the Collector may, with the previous sanction of the Commissioner, cause such village or share of a village to be attached and taken under the management of himself or any agent whom he appoints for that purpose. Power to attach defaulter's village, and take it under management.

160. The lands of any village or share of a village so attached small revert to [3][the Crown] unaffected by the acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such lands, or against Lands of such village to revert free of incumbrances.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[3] The words "the Crown" were substituted for the word "Government", *ibid.*

such superior holder or sharers as are interested therein, so far as the public revenue is concerned, but without prejudice in other respects to the rights of individuals;

Powers of manager.

and the Collector or the agent so appointed shall be entitled to manage the lands attached, and to receive all rents and profits accruing therefrom to the exclusion of the superior holder or any of the sharers thereof, until the Collector restores the said superior holder to the management thereof.

Application of surplus profits.

161. All surplus profits of the lands attached, beyond the cost of such attachment and management, including the payment of the current revenue, and the cost of the introduction of a revenue survey, if the same be introduced under the provisions of section 111 [1]* * * shall be applied in defraying the said arrear.

Restoration of village so attached.

162. The village or share of a village so attached shall be released from attachment, and the management thereof shall be restored to the superior holder on the said superior holder's making an application to the Collector for that purpose at any time within twelve years from the first of August next after the attachment—

if at the time that such application is made it shall appear that the arrear has been liquidated;

or, if the said superior holder shall be willing to pay the balance, if any, still due by him, and shall do so within such period as the Collector may prescribe in that behalf.

Disposal of surplus receipts.

The Collector shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made after defraying all arrears and costs; but such surplus receipts, if any, of previous years shall be at the disposal of [2][the Provincial Government].

Village, etc., to vest in the Crown for the purposes of the Province, if not redeemed within twelve years.

163. If no application be made for the restoration of a village or portion of a village so attached within the said period of twelve years, or if, after such application has been made, the superior holder shall fail to pay the balance, if any, still due by him within the period prescribed by the Collector in this behalf, the said village or portion of a village shall thenceforward vest in [3][the Crown for the purposes of the Province] free from all incumbrances created by the superior holder or any of the sharers or any of his or their predecessors-in-title, or in anywise subsisting as against such superior holder or any of the sharers, but without prejudice to the rights of the [4][persons in actual possession of the land].

But all processes to be stayed on security being given;

164. Any defaulter detained in custody, or imprisoned, shall forthwith be set at liberty and the execution of any process shall, at any time, be stayed, on the defaulter's giving before the Collector or other person nominated by him for the purpose, or if the defaulter is in jail, before the officer in charge

[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Crown for the purposes of the Province" were substituted for the word "Government", *ibid.*

[4] These words were substituted for the words "actual occupants of the soil" by s. 70 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

of such jail, security in the form of Schedule D, satisfactory to the Collector, or to such other person or officer.

And any person against whom proceedings are taken under this Chapter may pay the amount claimed under protest to the officer taking such proceedings, and upon such payment the proceedings shall be stayed. or on amount demanded being paid under protest.

165. When any sale of either movable or immovable property is ordered under the provisions of this Chapter, the Collector shall issue a proclamation, in the vernacular language of the district, of the intended sale, specifying the time and place of sale, and in the case of moveable property whether the sale is subject to confirmation or not, and when land paying revenue to [1][the Provincial Government] is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary. Procedure in effecting sales.

Such proclamation shall be made by beat of drum at the head-quarters of the taluka, and in the village in which the immovable property is situate, if the sale be of immovable property; if the sale be of moveable property the proclamation shall be made in the village in which such property was seized, and in such other places as the Collector may direct. Proclamation of sales.

166. A written notice of the intended sale of immovable property, and of the time and place thereof, shall be affixed in each of the following places, viz., the office of the Collector of the district, the office of Mamlatdar or Mahalkari of the taluka or mahal in which the immovable property is situate, the chavdi or some other public building in the village in which it is situate, and the defaulter's dwelling-place. Notification of sales.

In the case of moveable property, the written notice shall be affixed in the Mamlatdar's or Mahalkari's office, and in the chavdi or some other public building in the village in which such property was seized.

The Collector may also cause notice of any sale, whether of moveable or immovable property, to be published in any other manner that he may deem fit.

167. Sales shall be made by auction by such persons as the Collector may direct. Sale by whom to be made.

No such sale shall take place on a Sunday or other general holiday recognized by [1][the Provincial Government], nor until after the expiration of at least thirty days in the case of immovable property, or seven days in the case of moveable property, from the latest date on which any of the said notices shall have been affixed as required by the last preceding section. Time when sale may be made.

The sale may from time to time be postponed for any sufficient reason. Postponement of sale.

168. Nothing in the last three sections applies to the sale of perishable articles. Such articles shall be sold by auction with the least possible delay, in accordance with such orders as may from time to time be made by the Collector either generally or specially in that behalf. Sale of perishable articles.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

When sale may be stayed.

169. If the defaulter, or any person on his behalf, pay the arrear in respect of which the property is to be sold and all other charges legally due by him at any time before the day fixed for the sale, to the person appointed under section 146 to receive payment of the land revenue due, or to the officer appointed to conduct the sale or if he furnish security under section 164, the sale shall be stayed.

Sales of moveable property when liable to confirmation.

170. Sales of perishable articles shall be at once finally concluded by the officer conducting such sales. All other sales of moveable property shall be finally concluded by the officer conducting such sales, or shall be subject to confirmation, as may be directed in orders to be made by the Collector either generally or specially in that behalf. In the case of sales made subject to confirmation, the Collector shall direct by whom such sales may be confirmed.

Mode of payment for moveable property when sale is concluded at once.

171. When the sale is finally concluded by the officer conducting the same, the price of every lot shall be paid for at the time of sale, or as soon after as the said officer shall direct, and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase-money the officer holding the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Ditto when sale is subject to confirmation.

172. When the sale is subject to confirmation, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold. The full amount of purchase-money shall be paid by the purchaser before sunset of the day after he is informed of the sale having been confirmed, or, if the said day be a Sunday or other authorized holiday, then before sunset of the first office day after such day. On payment of such full amount of the purchase-money, the purchaser shall be granted, a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

Deposit by purchaser in case of sale of immovable property.

173. In all cases of sale of immovable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold.

Purchase-money when to be paid.

174. The full amount of purchase-money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immovable property took place, or, if the said fifteenth day be a Sunday or other authorized holiday, then before sunset of the first office day after such fifteenth day.

Effect of default.

175. In default of payment within the prescribed period of the full amount of purchase-money, whether of moveable or immovable property, the deposit, after defraying thereout the expenses of the sale, shall be forfeited to [1][the Provincial Government], and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

Liability of purchaser for loss by re-sale.

176. If the proceeds of the sale, which is eventually made, be less than the price bid by such defaulting purchaser, the difference shall be recoverable from him by the Collector as an arrear of land revenue.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

177. Every re-sale of property in default of payment of the purchase-money, or after postponement of the first sale, shall, except when such re-sale takes place forthwith, be made after the issue of a fresh notice in the manner prescribed for original sales. Notification before re-sale.

178. At any time within thirty days from the date of the sale of immovable property application may be made to the Collector to set aside the sale on the ground of some material irregularity, or mistake, or fraud, in publishing or conducting it; Application to set aside sale.

but, except as is otherwise provided in the next following section, no sale shall be set aside on the ground of any such irregularity or mistake, unless the applicant proves to the satisfaction of the Collector that he has sustained substantial injury by reason thereof.

If the application be allowed, the Collector shall set aside the sale, and direct a fresh one.

179. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last preceding section has been made, or if such application has been made and rejected, the Collector shall make an order confirming the sale: Provided that, if he shall have reason to think that the sale ought to be set aside notwithstanding that no such application has been made, or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale. Order confirming or setting aside sale.

180. Whenever the sale of any property is not confirmed, or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase-money, as the case may be. Refund of deposit or purchase-money when sale set aside.

181. After a sale of any occupancy or alienated holding has been confirmed in manner aforesaid, the Collector shall put the person declared to be the purchaser into possession of the land [1]* * * and shall cause his name to be entered in the [2][land records] as occupant or holder in lieu of that of the defaulter, and shall grant him a certificate to the effect that he has purchased the [3][land] to which the certificate refers. On confirmation of sale, purchaser to be put in possession. Certificate of purchase.

182. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and any suit brought in a Civil Court against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed. Bar of suit against certified purchaser.

183. When any sale of moveable property under this Chapter has become absolute, and when any sale of immovable property has been confirmed, the proceeds of the sale shall be applied to defraying the expenses of the sale and to the payment of any arrears due by the defaulter at the date of the confirmation of such sale, and recoverable as an arrear of land revenue, Application of proceeds of sale.

and the surplus (if any) shall be paid to the person whose property has been sold.

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[1] The words "included in such occupancy or alienated holding" were repealed by s. 71 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were substituted for the words "revenue records", *ibid.*

[3] This word was substituted for the words "occupancy or alienated holding", *ibid.*

Expenses of sale how calculated.

The expenses of the sale shall be estimated at such rates and according to such rules as may from time to time be sanctioned by the Commissioner under the orders of [1][the Provincial Government].

Surplus not to be paid to creditors, except under order of Court.

184. The said surplus shall not, except under an order of a Civil Court, be payable to any creditor of the person whose property has been sold.

Certified purchaser liable only for land-revenue subsequently due.

[2][**185.** Notwithstanding anything in section 136, the person named in the certificate of title as purchaser shall not be liable for land-revenue due in respect of the land for any period previous to the date of the sale.]

Claims to attached moveable property how to be disposed of.

186. If any claim shall be set up by a third person to moveable property attached under the provisions of this Chapter, the Collector shall admit or reject his claim on a summary inquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

What moneys leviable under the provisions of this Chapter.

187. All sums due on account of land revenue, all quit-rents, nazranas, succession duties, transfer duties and forfeitures, and all cesses, profits from land, emoluments, fees, charges, penalties, fines, and costs payable or leviable under this Act or under any Act or Regulation hereby repealed, or under any Act for the time being in force relating to land revenue;

and all moneys due by any contractor for the farm of customs-duties, or of any other duty, or tax, or of any other item of revenue whatsoever, and all specific pecuniary penalties to which any such contractor renders himself liable under the terms of his agreement;

and also all sums declared by this or by any other Act or Regulation at the time being in force [3][or by any contract with the [4][Crown]] to be leviable as an assessment, or as a revenue demand, or as an arrear of land revenue;

shall be levied under the foregoing provisions of this Chapter [5][and all the foregoing provisions of this Chapter shall, so far as may be, be applicable thereto.]

[6][And any money ordered by a liquidator appointed under section 42 of the [7]Co-operative Societies Act, 1912, to be recovered as a contribution to the assets of a society or as the costs of liquidation may, notwithstanding anything II of 1912.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Section 185 was substituted by s. 72 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] The words "or by any contract with the Secretary of State for India in Council" were inserted by s. 2 (*1*) of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[4] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[5] These words were added by s. 73 (*1*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] This paragraph and the proviso were inserted by s. 2 of the Bombay Land-revenue Code (Amendment) Act, 1920 (Bom. 1 of 1920).

[7] See now Bom. 7 of 1925.

contained in sub-section (5) of section 42 of the said Act, be levied under the foregoing provisions of this Chapter and all the foregoing provisions of this Chapter shall, so far as may be, be applicable thereto :

Provided that every application for recovery in such manner of any such sum shall be accompanied by a certificate signed by the Registrar appointed under section 3 of the [1]Co-operative Societies Act, 1912, that the amount may be recovered as an arrear of land revenue.]

II of 1912.

And all persons who may have become sureties under any of the provisions of this Act or of any Act or Regulation hereby repealed, or for any such contractor as aforesaid for any sum of money shall, on failure to pay the amount or any portion thereof for which they may have become liable under the terms of their security-bond, be liable to be proceeded against under the provisions of this Chapter as revenue-defaulters [2][and all the foregoing provisions of this Chapter shall, so far as may be, be applicable to such persons.]

Sureties liable as revenue defaulters.

And in the event of the resumption of any such farm as is aforesaid, no person shall be entitled to credit for any payments which he may have made to the contractor in anticipation.

On resumption of a farm, no payments made to contractor in advance to be admitted.

[3][And any person who has received from [4][the Provincial Government] a free grant of money for any agricultural purpose, subject to the proviso that he shall refund the same on failure to observe any of the conditions of the grant, shall, on failure to observe any such condition and to repay the said sum to [4][the Provincial Government], be liable to be proceeded against under the provisions of this Chapter as a revenue-defaulter ; and all the foregoing provisions of this Chapter shall, so far as may be, be applicable to such person.]

The recovery of free grants as arrears of revenue in case of misuse.

CHAPTER XII.

PROCEDURE OF REVENUE OFFICERS.

188. In all official acts and proceedings a revenue officer shall, in the absence of any express provision of law to the contrary, be subject as to the place, time and manner of performing his duties to the direction and control of the officer to whom he is subordinate.

Subordination of revenue officers.

189. Every revenue officer not lower in rank than a Mamlatdar's first karkun, or an Assistant Superintendent of Survey, in their respective departments, shall have power to summon any person whose attendance he considers necessary either to be examined as a party or to give evidence as a witness, or to produce documents for the purposes of any inquiry which such officer is legally empowered to make. A summons to produce documents may be for the production of certain specified documents, or for the production of all documents of a certain description in the possession of the person summoned.

Power to summon persons to give evidence and produce documents.

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[1] See now Bom. 7 of 1925.

[2] These words were added by s. 73 (2) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] This paragraph was added by s. 73 (3), *ibid.*

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such officer may direct: Provided that exemptions under [1][sections 132 and 133 of the Code of Civil Procedure, 1908], shall be applicable to requisitions for attendance under this section; V of 1908.

and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements,

and to produce such documents and other things as may be required.

Summons to be in writing signed and sealed.

190. Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and if he have a seal shall also bear his seal;

How to be served.

and shall be served by tendering or delivering a copy of it to the person summoned or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence.

Service in district other than that of issuer.

If his usual residence be in another district, the summons may be sent by post to the Collector of that district, who shall cause it to be served in accordance with the preceding clause of this section.

Mode of serving notices.

191. Every notice under this Act, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the person on whom it is to be served or to his agent, if he have any;

or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

Notice not void for error.

No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced substantial injustice.

Procedure for procuring attendance of witnesses.

192. In any formal or summary inquiry if any party desires the attendance of witnesses, he shall follow the procedure prescribed by the [2][Code of Civil Procedure, 1908, for parties applying for summonses for witnesses]. V of 1908.

Mode of taking evidence in formal inquiries.

193. In all formal inquiries the evidence shall be taken down in full, in writing, in the language in ordinary use in the district, by, or in the presence and hearing and under the personal superintendence and direction of, the officer making the investigation or inquiry, and shall be signed by him.

In cases in which the evidence is not taken down in full in writing by the officer making the inquiry he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by such officer with his own hand, and shall form part of the record.

If such officer is prevented from making a memorandum as above required, he shall record the reason of his inability to do so.

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[1] These words and figures were substituted for the words and figures "sections 640 and 641 of the Code of Civil Procedure" by s. 74 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words and figures were substituted for the words and figures "Code of Civil Procedure, section 160" by s. 75, *ibid.*

When the evidence is given in English, such officer may take it down in that language with his own hand, and an authenticated translation of the same in the language in ordinary use in the district shall be made and shall form part of the record.

Taking evidence given in English; Translation to be on record.

194. Every decision, after a formal inquiry, shall be written by the officer passing the same in his own hand-writing, and shall contain a full statement of the grounds on which it is passed.

Writing and explanation of decisions.

195. In summary inquiries the presiding officer shall himself, as any such inquiry proceeds, record a minute of the proceedings in his own hand in English or in the language of the district, embracing the material averments made by the parties interested, the material parts of the evidence, the decision, and the reasons for the same:

Summary inquiries how to be conducted.

Provided that it shall at any time be lawful for such officer to conduct an inquiry directed by this Act to be summary under all, or any, of the rules applicable to a formal inquiry, if he deem fit.

196. A formal or summary inquiry under this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193, 219, and 228 of the Indian Penal Code, and the office of any authority holding a formal or summary inquiry shall be deemed a Civil Court for the purposes of such inquiry.

XLV of 1860.

Formal and summary inquiries to be deemed judicial proceedings.

Every hearing and decision, whether in a formal or summary inquiry shall be in public, and the parties or their authorized agents shall have due notice to attend.

Hearing and decisions. Notice to parties.

197. An inquiry which this Act does not require to be either formal or summary, or which any revenue officer may on any occasion deem to be necessary to make, in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the [1][Provincial Government], or an authority superior to the officer conducting such inquiry, and, except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem best calculated for the ascertainment of all essential facts and the furtherance of the public good.

Ordinary inquiries how to be conducted.

198. In all cases in which a formal or summary inquiry is made, authenticated copies and translations of decisions, orders, and the reasons therefor, and of exhibits, shall be furnished to the parties, and original documents used as evidence shall be restored to the persons who produced them, or to persons claiming under them on due application being made for the same, subject to such charges for copying, etc., as may, from time to time be authorized by [2][the Provincial Government].

Copies and translations, etc., how to be obtained.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

Arrest of a defaulter to be made upon a warrant.

199. Whenever it is provided by this Act that a defaulter, or any other person may be arrested, such arrest shall be made upon a warrant issued by any officer competent to direct such person's arrest.

Power of revenue officer to enter upon any lands or premises for purposes of measurement, etc.

200. It shall be lawful for any revenue officer at any time, and from time to time, to enter, when necessary, for the purposes of measurement, fixing, or inspecting boundaries, classification of soil, or assessment, or for any other purpose connected with the lawful exercise of his office under the provisions of this Act, or of any other law for the time being in force relating to land revenue, any lands or premises, whether belonging to [1][the Crown] or to private individuals, and whether fully assessed to the land revenue or partially or wholly exempt from the same: Provided always that no building used as a human dwelling shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than seven days before such entry; and provided also that in the cases of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers.

Proviso.

Provincial Government to determine the language of a district.

201. The [2][Provincial Government] may declare what shall, for the purposes of this Act, be deemed to be the language in ordinary use in any district.

Collector how to proceed in order to evict any person wrongfully in possession of land.

202. Whenever it is provided by this, or by any other Act for the time being in force, that the Collector may or shall evict any person wrongfully in possession of land, such eviction shall be made in the following manner, viz. :—

by serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land, and,

if such notice is not obeyed by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and,

if the officer removing any such person shall be resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause, and that such resistance and obstruction still continue, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistence or obstruction, issue a warrant for the arrest of the said person, and on his appearance commit him to close custody in the office of the Collector or of any Mamlatdar or Mahalkari, or send him with a warrant, in the form of Schedule I, for imprisonment in the civil jail of the district for such period not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

CHAPTER XIII.

APPEALS AND REVISION.

Appeal to lie from any order passed by a revenue officer to his superior.

203. In the absence of any express provision of this Act, or of any law for the time being in force to the contrary, an appeal shall lie from any decision or order passed by a revenue officer under this Act or any other law for the time being in force, to that officer's immediate superior, whether such decision or order may itself have been passed on appeal from a subordinate officer's decision or order or not.

[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

204. An appeal shall lie to the [1][Provincial Government] from any decision or order passed by a Commissioner or by a Survey Commissioner, except in the case of any decision or order passed by such officer on appeal from a decision or order itself recorded in appeal by any officer subordinate to him. Appeal when to lie to the Provincial Government.

205. No appeal shall be brought after the expiration of sixty days if the decision or order complained of have been passed by an officer inferior in rank to a Collector or a Superintendent of Survey in their respective departments ; nor after the expiration of ninety days in any other case. Periods within which appeals must be brought.

In computing the above periods, the time required to prepare a copy of the decision or order appealed against shall be excluded.

206. Any appeal under this Chapter may be admitted after the period of limitation prescribed therefor, when the appellant satisfies the officer or the [1][Provincial Government] [2][to whom or to which] he appeals, that he had sufficient cause for not presenting the appeal within such period. Admission of appeal after period of limitation.

No appeal shall lie against an order passed under this section admitting an appeal.

207. Whenever the last day of any period provided in this Chapter for the presentation of an appeal falls on a Sunday or other holiday recognized by [3][the Provincial Government] the day next following the close of the holiday shall be deemed to be such last day. Provision where last day for appeal falls on a Sunday or a holiday.

208. Every petition of appeal shall be accompanied by the decision or order appealed against or by an authenticated copy of the same. Copy of order to accompany petition of appeal.

209. The appellate authority may [4][for reasons to be recorded in writing] either annul, reverse, modify or confirm the decision or order of the subordinate officer appealed against, or he may direct the subordinate officer to make such further investigation or to take such additional evidence as he may think necessary, or he may himself take such additional evidence. Powers of appellate authority.

[5][Provided that it shall not be necessary for the appellate authority to record reasons in writing —

(*a*) when an appeal is dismissed summarily, or

(*b*) when the decision or order appealed from is itself a decision or order recorded in appeal, or

(*c*) when an appeal is made to the [1][Provincial Government] under section 204.]

210. In any case in which an appeal lies, the appellate authority may, pending decision of the appeal, direct the execution of the decision or order of the subordinate officer to be suspended. Power to suspend execution of order of subordinate officers.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
[2] The words "to whom or to which" were substituted for the words "to whom", *ibid.*
[3] The words "the Provincial Government" were substituted for the word "Government", *ibid*
[4] These words were inserted by Bom. 3 of 1932, s. 2 (*1*).
[5] This proviso was added, *ibid*, s. 2 (*2*).

Power of Provincial Government and of certain revenue officers to call for and examine records and proceedings of subordinate officers; and to pass orders thereupon.

211. The [1][Provincial Government] and any revenue officer, not inferior in rank to [2][an Assistant or Deputy Collector] or a Superintendent of Survey, in their respective departments, may call for and examine the record of any inquiry or the proceedings of any subordinate revenue officer, for the purpose of satisfying [3][itself or himself, as the case may be,] as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

The following officers may in the same manner call for and examine the proceedings of any officer subordinate to them in any matter in which neither a formal nor a summary inquiry has been held, namely,—[4]* * a Mamlatdar, a Mahalkari, [5][an] Assistant Superintendent of Survey and an Assistant Settlement officer.

If in any case, it shall appear to the [1][Provincial Government], or to such officer aforesaid, that any decision or order or proceedings so called for should be modified, annulled or reversed, [6][it or he] may pass such order thereon as [6][it or he] deems fit:

[7][Provided that an Assistant or Deputy Collector shall not himself pass such order in any matter in which a formal inquiry has been held, but shall submit the record with his opinion to the Collector, who shall pass such order thereon as he may deems fit.]

Rules as to decisions or orders expressly made final.

212. Wherever in this Act it is declared that a decision or order shall be final, such expression shall be deemed to mean that no appeal lies from such decision or order.

The [1][Provincial Government] alone shall be competent to modify, annul or reverse any such decision or order under the provisions of the last preceding section.

CHAPTER XIV.

MISCELLANEOUS.

Maps and land records open to inspection. Extracts and copies shall be given.

213. Subject to such rules and the payment of such fees as the [1][Provincial Government] may from time to time prescribe in this behalf, all maps and [8][land records] shall be open to the inspection of the public at reasonable hours, and certified extracts from [9][the same] or certified copies thereof shall be given to all persons applying for the same.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the word "Collector" by s. 76 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] The words "itself or himself as the case may be" were substituted for the word "himself" by the Adaptation of Indian Laws Order in Council.

[4] The words "an Assistant or Deputy Collector" were repealed by s. 76 (*b*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[5] This article was substituted for the word "and" by the Amending Act, 1895 (16 of 1895).

[6] The words "it or he" were substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

[7] This proviso was added by s. 76 (*c*) of the Bombay Land-revenue (Amendment), Act, 1913 (Bom. 4 of 1913).

[8] These words were substituted for the words "survey records and all village accounts and land registers" by s. 77, *ibid.*

[9] These words were substituted for the words "such maps, registers and accounts" by s. 77, *ibid.*

[1][214. (*1*) The [2][Provincial Government] may, by notification published in the [3][*Official Gazette*], make rules not inconsistent with the provisions of this Act to carry out the purposes and objects thereof and for the guidance of all persons in matters connected with the enforcement of this Act or in cases not expressly provided for therein. Rules.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may be made—

(*a*) regulating the appointment of revenue officers and the exercise by them of their powers and duties ;

(*b*) regulating the assessment of land to the land revenue and the alteration and revision of such assessment and the recovery of land revenue ;

(*c*) prescribing the notice to be given in the case of inquiries and orders under section 37 ;

(*d*) prescribing the purposes for which unalienated land liable to the payment of land revenue may or may not be used, and regulating the grant of permission to use agricultural land for non-agricultural purposes ;

(*e*) regulating the disposal of land and other property [4][vesting in the Crown for the purposes of the Province] ;

(*f*) regulating the disposal of forfeited land ;

(*g*) prescribing the terms and conditions on which, and the periods for which, unoccupied unalienated land may be granted ;

(*h*) fixing the maximum amount of fine leviable under section 61 ;

[5][(*i*) regulating the conduct of surveys and settlements of land revenue and prescribing the notice to be given under section 117O before the introduction of the settlement] ;

(*j*) regulating the division of survey numbers into sub-divisions and the fixing of the assessment of sub-divisions under section 117A ;

(*k*) regulating the construction, laying out, maintenance and repair of boundary marks ;

(*l*) regulating the compilation, maintenance and revision of the record of rights and the registers of mutations, disputed cases and tenancies, and prescribing the forms in which they are to be compiled and the officers by whom the said records and registers are to be tested and revised ;

(*m*) regulating the exercise by village accountants and revenue officers of the powers of a survey officer and the assessment of costs and expenses under section 135G ;

(*n*) prescribing the mode, form and manner in which appeals under Chapter XIII shall be drawn up and presented ;

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[1] Section 214 was substituted by s. 78 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[4] The words "vesting in the Crown for the purposes of the Province" were substituted for the words "vesting in Government", *ibid.*

[5] This clause was substituted by Bom. 20 of 1939, s. 12.

(*o*) prescribing the records, registers, accounts, maps and plans to be maintained for the purposes of this Act and the manner and forms in which they shall be prepared and maintained ;

[1][(*p*) the manner in which the assessment of survey numbers and sub-divisions thereof shall be based on their classification value ;

(*q*) the manner in which enquiry is to be held under section 117I ;

(*r*) the manner in which the rental value of land is to be ascertained by the Settlement Officer ;

(*s*) the manner in which the settlement report shall be published under section 117J ;

(*t*) the manner in which and the places at which the notice inviting objections to the settlement proposals shall be published under sub-section (*2*) of section 117J ;

(*u*) the scale according to which the surcharge shall be levied or the rebate shall be granted under sub-section (*2*) of section 117M.]

(*3*) The power to make rules under this section shall be subject to the condition of previous publication.]

Penalty for breach of rules.

[2][**215.** It shall be lawful for the [3][Provincial Government], in making any rule under section 214, to prescribe that any person committing a breach of the same shall on conviction by a Magistrate be punished with imprisonment for a term not exceeding one month or with fine not exceeding five hundred rupees, or with both, in addition to any other consequences that would ensue from such breach.]

Chapters VIII to X to apply to alienated villages.

[4][**216.** (*1*) The provisions of Chapters VIII, VIII-A, IX and X shall be applicable to all alienated villages and alienated shares of villages subject to the following modifications :—

(*i*) subject to the provisions of any covenant or agreement entered into by the Provincial Government with the holder or holders of any such village or share the costs of any survey directed under section 95 or a fresh survey directed under section 106 and of any settlement carried out under the said Chapters in any such village or share shall be payable by the holder or holders in proportion to their share in the rent or revenue of the village or share ;

(*ii*) if the Provincial Government so directs such costs shall also be payable by any class of persons who, in the opinion of the Provincial Government, have any interest in any land in such village or share and in such proportion as the Provincial Government may direct ;

(*iii*) on the introduction of a settlement under Chapter VIII or VIII-A in any such village or share, the holder or holders of such village or share shall, in proportion to his share in the rent or revenue of the village or share, be liable to pay —

(*a*) the salaries of the village officers appointed for the village or the share including the commutation allowance payable in respect of a commuted kulkarni watan in the village, if any,

(*b*) the costs of the levy of a cess under section 93 of the Bombay Local Boards Act, 1923 ; Bom. VI of 1923.

[1] Clauses (*p*) to (*u*) were inserted by the Bom. 20 of 1913, s. 12.

[2] Section 215 was substituted by s. 78 of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] Section 216 was substituted for the original by Bom. 45 of 1947, s. 2.

(*iv*) the liability under clauses (*i*) and (*iii*) shall be a first charge on the rent or revenue of such village or share ;

(*v*) the total amount payable under clauses (*i*) and (*iii*) in respect of the holding in any such village or share shall be recoverable from the holder of such village or share entered in the Record of Rights ;

(*vi*) the amount payable under clause (*ii*) by any class of persons shall be recoverable in such manner as the Provincial Government directs from the members of that class as entered in the Record of Rights.

(*2*) All survey settlements heretofore introduced in alienated villages shall be valid as if they had been introduced in accordance with the provisions of this section.]

Holders of land in alienated villages.

217. When a survey settlement has been introduced under the provisions of the last section or of any law for the time being in force, into an alienated village, the holders of all lands to which such settlement extends shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as [1][holders of land] in unalienated villages have, or are affected by, under the provisions of this Act, and all the provisions of this Act relating to [1][holders of land in unalienated villages] [2]* * * shall be applicable, so far as may be, to them.

Construction of this Act.

218. Nothing in this Act, which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed to affect alienated land, or the rights of holders of alienated land or of [3][the Crown] in respect of any such land, and no presumption shall be deemed to arise either in favour, or to the prejudice, of any holder of alienated land from any provision of this Act in terms relating to unalienated land only.

SCHEDULE A.

Repealed by Bom. IV of 1913, s. 81.

SCHEDULE B.

[*Omitted by the Adaptation of Indian Laws Order in Council.*]

SCHEDULE C.

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 25 OR 157.

To

THE OFFICER IN CHARGE OF THE CIVIL JAIL AT

WHEREAS *A.B.* of was on the day of 197 , ordered by to (*here state the substance of the demand made*) ; and whereas the said *A.B.* has neglected to comply with the said

[1] These words were substituted for the word "occupants" by s. 80 (*a*) of the Bombay Land-revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "and registered occupants" were repealed by s. 80 (*b*), *ibid.*

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

order, and it has therefore been directed, under the provisions of section of the Bombay Land Revenue Code, that he be imprisoned in the Civil Jail until he obey the said order or until he obtain his discharge under the provisions of section 25 or 28 (*or* section 157 or 164, *as the case may be,*) of the said Code ; you are hereby required to receive the said *A. B.* into Jail under your charge and to carry the aforesaid order into execution according to law.

Dated this day of 194 .

(Signature of Collector.)

SCHEDULE D.

FORM OF BOND TO BE REQUIRED UNDER SECTION 28 OR 164.

WHEREAS I, , have been ordered by to (*here state the nature of the demand*) and whereas I dispute the right of the said to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of to contest the justice of the demand, and do agree that in the event of a decree being passed against me I will fulfil the same and will pay all amounts, including costs and interests, that may be due by me, or that if I fail to institute a suit as aforesaid, I will, when required, pay the abovementioned amount of rupees (*or* will deliver up the abovementioned papers or property, *as the case may be*), and in the case of my making default therein, I hereby bind myself to forfeit to the [1][Crown] the sum of rupees.

Dated

(Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

WE,
hereby declare ourselves securities for the abovesaid
that he shall do and perform all that he has above undertaken to do and perform and in case of his making default therein we hereby bind ourselves to forfeit to the [1][Crown] the sum of rupees.

Dated

(Signature.)

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[1] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

SCHEDULE E.

(*See section 84.*)

I—Form of Notice to be given by Landlord to Tenant to quit.

To

A.B.

I do hereby give you notice that I do intend to enter upon, and take possession of, the land (*here give the description*) which you now hold as tenant under me, and you are therefore required to quit and deliver up possession of the same at the end of this current year, terminating on the of 194 .

(Signed) *C.D.*

Dated this day of 194 .

II.—Form of Notice to be given by Tenant to Landlord of his intention to quit.

To

C.D.

I do hereby give you notice that I shall quit and deliver up to you, at the end of this current year terminating on the of 194 , the land (*here give the description*) which I hold from you.

(Signed) *A.B.*

Dated this day of 194 .

SCHEDULE F.

Form of Commission to be issued to a Holder of Alienated Lands or Villages or his Agent, under section 89.

Seal.

The [1][Commissioner], by virtue of the powers vested in him by the Bombay Land Revenue Code, is pleased to confer on you (Jagirdar, *etc.*, *or* Agent, *etc.*, *as the case may be*) power to
in (*or* in respect of) the villages and lands specified in this Commission, in the manner prescribed in (*or* in section of) the said Code.

[1] This word was substituted for the words "Governor in Council of Bombay" by s. 82 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

The villages and lands over which the power thus conferred upon you extends are as follows :—

(*Here enter the description.*)

The within delegated power is vested in you during the pleasure and subject to the recall of the said [1][Commissioner].

(Signed)

SCHEDULE H.[2]

(*See section 133.*)

FORM OF SANAND FOR BUILDING SITES.

(*Royal Arms.*)

THE [3][GOVERNMENT OF BOMBAY.]

To.....

WHEREAS [4][the Provincial Government], with a view to the settlement of the land revenue, and the record and preservation of proprietary and other rights connected with the soil, has, under the provisions of the Bombay Land Revenue Code, directed a survey of the lands within the of and ordered the necessary inquiries connected therewith to be made, this sanad is issued under section 133 of the said Code to the effect that—

There is a certain plot of ground occupied by you in the division of the of register No. , in the map marked sheet , No. and facing towards the , the road leading from to , containing about square yards and of the following shape and about the following dimensions :—

You are hereby confirmed in [5][the said occupancy] exempt from all land revenue (*or* subject to the payment of Rs. per annum to the land revenue).

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[1] This word was substituted for the words "Governor in Council of Bombay" by s. 82 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] There is no Schedule G.

[3] The words "Government of Bombay" were substituted for the words "Secretary of State in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Provincial Government" were substituted for the words "His Excellency the Governor of Bombay in Council", *ibid.*

[5] These words were substituted for the words "the occupancy of the above described grounds" by s. 83 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

The terms of your tenure are such that your occupancy is both transferable and heritable, and will be continued by the British Government, without any objection or question as to title, to whosoever shall from time to time be its lawful holder (subject only to the condition of the payment annually of the above land revenue according to the provisions of the Bombay Land Revenue Code or of any other law for the time being in force, and to the liability to have the said rate of assessment revised at the expiration of a term of years reckoned from the and thereafter at successive periods of years in perpetuity, and to the necessity for compliance with the provisions of the law from time to time in force as to the time and manner of payment of the said assessment, and to the liability of forfeiture of the said occupancy and of all rights and interests connected therewith in case of your failure to pay the said assessment as required by law).

[1]* * * * * *

(Signed)

SCHEDULE I.

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 202.

Seal.

To

THE OFFICER IN CHARGE OF THE CIVIL JAIL AT

WHEREAS *A.B.* of has resisted (*or* obstructed) *C.D.* in removing *E.F.* (*or* himself, that is, the said *A.B.*) from certain land in the village of in the taluka, and whereas it is necessary, in order to prevent the continuance of such obstruction (*or* resistance) to commit the said *A.B.* to close custody; You are hereby required under the provisions of section 202 of the Bombay Land Revenue Code to receive the said *A.B.* into the Jail under your charge and there to keep him in safe custody for days.

Dated this day of 194 .

(Signature of Collector.)

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[1] The words and letters "This sanad is executed on behalf of the Secretary of State for India in Council by order of the Governor in Council of Bombay, by and under the hand and seal of , this day of one thousand eight hundred and A.D." were omitted by the Adaptation of Indian Laws Order in Council.

THE BOMBAY PORT TRUST ACT, 1879.

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(*b*) for a special meeting of the Board.
(*c*) for a special meeting of a Committee.
Proviso.

Sections.

Proceedings of Board.

16. Provisions as to Board's proceedings.
Vacancy not to affect proceedings.
Board to arrange for transaction of business;
to meet once a fortnight;
special meetings;
quorum;
presiding at meetings;
questions decided by majority of votes;
votes to be recorded, if poll demanded;
minutes of proceedings.
Board may delegate powers to Committees.
Chairman of Committee-meetings.
Meetings of Committees.
Special meetings.
Questions how decided at Committee-meetings.
Acts of Board, etc., not invalidated by informalities.

17. Power of Chairman as to contracts.
17A. Chairman's signature may be engraved.
18. Board may compound for breach of contract.

The Chairman.

19. Duties of Chairman.
20. Leave of absence to Chairman.
Leave and acting allowances how defrayed.

III.—Of the Officers and Servants of the Board.

Strength of Staff.

21. Schedule of staff and of pay and allowances to be prepared and sanctioned by Board.
Proviso.

22. Board to regulate—
grant of leave;
absentee-allowances;
acting allowances;
length of service;
pensions, etc.;
contributions to provident fund;
contributions to welfare fund;
contributions or appropriations to special funds;
determining conditions of grant of wound pensions or compassionate allowances;
gratuities to widows and children.
Proviso as to certain officers and servants.

Deputy Chairman.

22A. Deputy Chairman.

Powers of Appointment, etc.

Sections.

23. Appointments, etc., by whom to be made.
24. Sanction of Central Government when necessary.

Continuance of present Officers and Servants.

25. Officers and servants of late trustees continued.

IV.—Of the Property and Liabilities of the Board.

General Powers as to Property.

26. Powers of Board as to property.
27. Procedure when Board unable to acquire, by agreement, immovable property.

Transfer of Property to Board.

28. Transfer to Board of property of present Port Trust.
29. Vesting in Board the right, title and interest acquired by Secretary of State in other properties.
30. Board to issue securities in payment of price of properties vested in them under section 29.
Securities to be for not less than one hundred rupees each, and to be transferable.
30A. Substitution of securities in new forms for those issued under section 30.

Application of the Board's Property.

31. [*Repealed.*]
32. Saving of powers of any Government under Land Acquisition Act, 1894.

Liabilities.

33. Capital debts of Boards.
34. Interest in what cases to be paid by the Board.
35. Interest to be paid out of Provincial revenues if default made by Board.
36. Lump payment to be made to Municipality in lieu of general tax.
37. Roads and thoroughfares constructed by Board to be maintained by Municipality in consideration of such payment.
Roads and thoroughfares not to be stopped up without consent of Board.
38. Disputes under last section to be settled by Central Government.

V.—Of the Borrowing Powers of the Board.

39. Borrowing powers.
Proviso.
40. [*Repealed.*]
41. Interest on debentures to be first charge on rates.
41A. Establishment of sinking fund.
Application of sinking fund.

Sections.

41B. Annual examination of sinking fund.
41C. Loans to be first charge on property and income of Board.
42. Forms of debentures.
42A. Right of survivors of joint payees of securities.
42B. Power of one of two or more joint holders to grant receipts.
42C. Prohibition of endorsements on allonges.
42D. Issue of stock certificates.
42E. Board empowered to make rules.

VI.—Of Revenue and Expenditure.

Levy of Rates.

43. Scale of rates to be framed by Board.
43A. Scale of charges for use of dock, etc.
43B. Scales framed under the last two sections to be submitted to Central Government for sanction.
Rates may be remitted in special cases.
44. [*Repealed.*]
45. Charges for landing, shipping and transhipping goods,
46. Charges for towage.

Division of Accounts.

47. Pilotage account.
48. Items to be credited to general account.
49. Moneys credited to general account how expended.
50. Pilotage fees how credited.
Moneys credited to pilotage account how expended.

Disposal of Balances.

51. Balances may be invested by Board in public securities.
Amounts to be so invested to be limited by Central Government.
Surplus how disposed of.
Proviso as to claims of pilots, etc., on balance of pilotage account.
Interest, etc., how credited and debited.
51A. Board may invest in their own debentures and securities.

Annual Estimates.

52. Chairman to submit annual estimate of income and expenditure.
53. Board to revise and sanction estimate.
54. Estimate to be submitted to Central Government.
55. Supplementary estimates may be made when necessary.
56. No expenditure above five thousand rupees to be incurred unless sanctioned in estimate.
57. [*Repealed.*]

Sections.

Audit of Accounts.

58. Accounts to be audited and examined.
Auditors to have power to call for books, etc.
Remuneration to be fixed by Central Government.
Report to be published.

Fulfilment of Board's Liabilities.

59. Board bound to provide for fulfilment of liabilities.
60. In default, Central Government may require Board to increase rates; and, on Board's failing, may itself increase them.
Central Government may also appoint receiver to recover portion of Board's income.
60A. How the balances of the Board may be employed.

VII.—Of the Powers and Functions of the Board.

Recovery of Rates.

61. Recovery of rates in arrears.
61A. Board to take charge of goods landed.
Goods not stored in licensed warehouses to remain at risk and expense of owner if not removed within seven days.
62. Lien for freight preserved after landing if notice be given.
63. Discharge of lien by payment or release.
64. If rates not paid, or lien for freight not discharged, goods may be sold after two months.
64A. Disposal of goods not removed from the premises of the Board within time limited.
65. Application of proceeds of sale.
66. Power to distrain for non-payment of rates etc.
67. Port-clearance not granted till rates, etc., are paid.
67A. Alternative remedy by suit.

Works.

68. Works to be executed under Act.
Procedure before commencement of new work.

Regulation of use of Wharves, etc.

69. Saving of—
rights of Central Government to use wharves, etc., for collecting duties;
and of power of Customs officers.
70. Places to be set apart for use of Customs officers on wharves, etc., but right of Board to levy rates not affected;
surplus income derived from portion of Customs Bonded Warehouse used as public warehouse to be paid to Board.
71. Board to provide free landing-places.

Control of Pilots.

72. Trustees vested with right and privilege of maintaining pilots.

Sections.

Bye-laws.

73. Trustees empowered to make bye-laws.
74. Approval and publication of bye-laws.
Cancelment by Central Government.
75. Penalties for infringement of bye-laws..
76. Bye-laws and scales of rates and charges to be exhibited.
77. Continuance of bye-laws framed under Bombay Act I of 1873.

VIII.—PENALTIES.

78. For being interested in contracts with Board.
79. For obtaining illegal gratification.
80. For refusing or neglecting to appear before auditor, etc.
81. For setting up erection below high-water mark in port.
82. For understating quantity or weight of goods, etc.
83. For evading rates, etc.
84. Recovery of value of damage to property of Board.
85. Cognizance of offences.

IX.—MISCELLANEOUS.

86. Provision when day appointed for any purpose falls on Sunday or holiday.
87. Limitation of suits, etc.

SCHEDULE A.—Properties referred to in Section 29.

SCHEDULE B.—Form of Security.

SCHEDULE C.—Statement of capital debts of the Board due to the Crown.

SCHEDULE D.—Form of Debenture.

BOMBAY ACT No. VI OF 1879.[1]

[THE BOMBAY PORT TRUST ACT, 1879.]

[*4th September, 1879.*]

Repealed in part by Act 2 of 1901 ;

" " " " Bom. 3 of 1886 (as amended by Bom. 1 of 1891) ;

" " " and amended by—

Bom. 1 of 1899 ;
" 3 of 1913 ;

Amended by
" 1 of 1881 ;
" 3 of 1881 ;
" 3 of 1883 ;
" 6 of 1883 ;
" 3 of 1888 ;
" 2 of 1901 ;
" 1 of 1910 ;
" 4 of 1910 ;
" 6 of 1914 ;
" 4 of 1917 ;
" 4 of 1919 ;
" 21 of 1920 ;
" 5 of 1923 ;
" 5 of 1924 ;
" 17 of 1925 ;
" 8 of 1926 ;
" 14 of 1927 ;
" 16 of 1929 ;
" 5 of 1930 ;
" 12 of 1933 ;
" 9 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Act 34 of 1939.

" " " 36 of 1948.
" " " 27 of 1949.
" " " 40 of 1949.

An Act to consolidate the immovable and other property vesting in the Trustees of the Port of Bombay and certain other property on, or connected with, the foreshore of the Island of Bombay into one estate, and to vest the control and management of the same in one Public Trust ; and for other purposes.

WHEREAS it is expedient that the immovable and other property vesting in the trustees of the Port of Bombay should be consolidated with certain other property on, or connected with, the foreshore of the Island of Bombay into one estate, and that such consolidated estate should, together with the rights and Preamble.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1878, Pt. V, p. 126, and *ibid*, 1879, Pt. V, p. 149; for Report of the Select Committee, *see ibid*, 1879, Pt. V, p. 14, and for Proceedings in Council, *see ibid*, 1879, Pt. V, pp. 4,98,110 and 151.

powers now exercisable by the said trustees, be vested, subject to the provisions hereinafter appearing, in a new trust; It is enacted as follows :—

I.—Preliminary.

Short title.

1. This Act may be called the Bombay Port Trust Act, 1879.

Repeal of Bombay Act I of 1873.

2. From the date[1] which shall be notified by the [2][Provincial Government] under section 8, Bombay Act I of 1873 (the Bombay Port Trust Act, 1873), shall be repealed :

Provided that all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with, or for the trustees appointed under the said Act shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Board constituted by this Act;

and all rates and sums of money due to the said trustees shall be deemed to be due to the said Board;

and all suits or other legal proceedings, civil or criminal, instituted, or which might, but for the passing of this Act, have been instituted, by or against the said trustees, may be continued or instituted by or against the said Board.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context,—

(*1*) the word "rates" includes any toll, due, rent, rate, or charge leviable under section 43;

(*2*) "port" means the Port of Bombay within such limits as may, from time to time, be defined by [3][the Central Government] for the purposes of this Act, by notification in the [4][Official Gazette], and until a notification is so issued, within such limits as may have been defined [5]* * * * * * under section 73 of the [6]Bombay Port Trust Act, 1873, for the purposes of that Act;

(*3*) [*Definition of "vessel".*] *Rep. Bom. III of 1886, Schedule A;*

(*4*) "master", when used in relation to any vessel, means any person having for the time being the charge or control of such vessel;

(*5*) "owner" when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale or custody of such goods; and, when used in relation to any vessel, includes any part-owner, charterer, consignee or mortgagee in possession thereof;

(*6*) "land" includes the bed of the sea below high-water mark;

(*7*) "wharf" includes a bandar and any part of the foreshore used for loading or unloading goods, and any wall enclosing or adjoining the same;

(*8*) "dock" includes basins, locks, cuts, entrances, graving-docks, graving-blocks, inclined planes, patent slips, gridirons, quays, ware-houses, and other works and things appertaining to any dock;

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[1] The 1st November 1879—*see Bombay Government Gazette*, 1879, Pt. I, p. 814.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Central Government" were substituted for the word "Government", *ibid.*

[4] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[5] The words "by Government" were omitted, *ibid.*

[6] The Bombay Port Trust Act, 1873 Bom. 1 of 1873), is repealed by s. 2 of this Act.

(*9*) "pier" includes any stage, stairs, landing-place, hard, jetty, landing-stage, floating barge or pontoon, and any bridges or other works connected therewith;

(*10*) the word "goods" includes wares and merchandise of every description;

(*11*) "immovable property" includes wharfage-rights and all other rights exercisable on, over, or in respect of, any land, wharf, dock, or pier;

[1][(*12*) the words "public securities" mean—

(*a*) promissory notes, debentures, stock or other securities of the [2][Central Government];

(*b*) debentures or other securities for money issued by, or on behalf of:—

(*i*) any Municipal body or any Port Trust under the authority of any Act of a legislature established in British India;

Bom. IV of 1898.

(*ii*) the City of Bombay Improvement Trust under the authority of [3]Act IV of 1898.]

II.—Of the Board of Trustees.

Constitution of Board.

Act to be carried out by trustees.

4. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board, to be called "the Trustees of the Port of Bombay", and such Board, hereinafter referred to as "the Board", shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the name first aforesaid.

Constitution of the Board.

[4][**5.** (*1*) The Board shall consist of twenty-five members, that is to say, of fourteen elective trustees, ten nominee trustees and a Chairman.

(*2*) The ten nominee trustees shall be the following:—

(*a*) two representatives of the Defence Services chosen by the Central Government, one of whom shall be a representative of the Royal Indian Navy in Bombay;

(*b*) two representatives of labour chosen by the Central Government after consultation with the registered trade unions, if any, composed of persons employed in the port;

(*c*) one representative of the Mercantile Marine Department, Bombay, chosen by the Central Government;

(*d*) the Collector of Customs, Bombay, *ex officio*;

(*e*) the General Manager, Great Indian Peninsular Railway, *ex officio*;

(*f*) the General Manager, Bombay, Baroda and Central India Railway, *ex officio*;

(*g*) one representative chosen by the Provincial Government; and

(*h*) the Municipal Commissioner for the City of Bombay, *ex officio*.]

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[1] Clause (*12*) was substituted by s. 1 of the Bombay Port Trust (Admendment) Act, 1899 (Bom. 1 of 1899).

[2] The words "Central Government" were substituted for the words "Government of India" by the Adaptation of Indian Laws Order in Council.

[3] This Act was repealed by Bom. 16 of 1925 which has been repealed by Bom. 13 of 1933.

[4] Section 5 was substituted by Act 36 of 1948, s. 2, Schedule.

Elective-trustees.

[1][6. [2](*1*) Of the [3][fourteen] elective trustees, two shall be elected by the Municipal Corporation of the City of Bombay and the remaining by such provincial or local bodies representing commercial interests as the Central Government may, from time to time, by notification in the Official Gazette, specify, and such notification may also specify the number of trustees that each of such bodies may elect.

(*2*) The election shall be held in such manner as shall from time to time be determined by the electing bodies convened in accordance with the rules at the time in force in this behalf.

(*3*) The Secretary of every electing body shall make a return to [4][the Central Government] of the name of every person so elected by such body and his return shall be published in the [5][Official Gazette].

(*4*) In the event of default being made by any electing body in electing a trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, it shall be lawful for [4][the Central Government] by notification in the [5][Official Gazette] to nominate a person, and the person so nominated shall be deemed to be a trustee as if he had been duly elected.]

Appointments by Central Government.

7. The nominee-trustees and the Chairman shall be appointed by [4][the Central Government] by notification in the [5][Official Gazette].

Commencement of term of office of first trustees.

8. The term of office of the first nominee and elective-trustees shall commence on such date[6] as shall be notified in this behalf by the [7][Provincial Government].

Term of office of nominee and elective-trustees.

9. [8]* * * The nominee and elective-trustees shall, unless they become in the meantime disqualified, hold office for a term of two years.

Trustees to be appointed and elected in March.

10. [8]* * * Elective-trustees shall be elected on some day not earlier than the first and not later than the fifteenth day of the month of March next preceding the 1st of April from which their term of office is to commence; and nominee-trustees shall be appointed on some day in the remainder of the said month of March.

Chairman's tenure of office.

11. The Chairman shall hold office during the pleasure of [4][the Central Government], provided that he does not in the meantime cease, through disqualification, to be a trustee.

Trustees re-eligible.

12. Any person on ceasing to be a trustee shall, unless disqualified under section 14, be re-eligible.

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[1] Section 6 was substituted by First Schedule, Part II, Serial No. 8 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[2] Sub-section (*1*) of section 6 was substituted by Act 36 of 1948, s. 2, Schedule.

[3] This word was substituted for the word "thirteen" by Act 40 of 1949, s. 3, Second schedule.

[4] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid*.

[6] The 1st November 1879—*see Bombay Government Gazette*, 1879, Part I, page 814.

[7] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[8] The portion from the beginning of the section to, and including, the words "in every other case" was repealed by the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

13. (*1*) Any casual vacancy in the office of a trustee other than the Chairman, occasioned by the death, resignation, or disqualification of such trustee, shall be filled up within one month by [1][the Central Government] if the office vacated was that of a nominee-trustee, or by [2][the electing body concerned] if it was that of an elective-trustee, in the same manner and subject, so far as may be, to the same provisions as are applicable in the case of original appointments and elections of trustees: Provided that the trustee so chosen shall retain his office so long only as the vacating trustee would have retained the same if such vacancy had not occurred. **Casual vacancies.**

(*2*) If a trustee departs from Bombay with an intention of being absent for a longer period than three months, or if a trustee shall have been absent for such period, a person shall be elected or appointed as aforesaid to act for such trustee during his absence or until he shall cease to be a trustee, and the person so acting shall be deemed for all the purposes of this Act to be a trustee. **Acting trustees.**

[3][(*3*) Nothing in the last preceding sub-section shall prevent a person being elected or appointed for a [4][period not longer] than three months in the place of an absent trustee, on the application of the Board if the absentee be an elective-trustee, or at the discretion of [1][the Central Government] if he be a nominee-trustee.] **Saving provision for acting appointment when necessary for less than three months.**

Disqualifications of Trustees.

[5][**14.** (*1*) A person shall be disqualified to be a trustee who— **Disqualifications for office of trustee.**

(*a*) is an uncertificated bankrupt or insolvent; or

(*b*) has been convicted and sentenced to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such conviction not having been subsequently reversed or quashed; or

(*c*) holds any office or place of profit under the Board; or

(*d*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment, with, by or on behalf of the Board.

(*2*) But a person shall not be so disqualified, or be deemed to have any share or interest in such contract or employment, by reason only of his having a share or interest in— **Proviso.**

(*a*) any lease, sale, exchange or purchase or immovable property, or any agreement for the same; or

(*b*) any license by the Board, or right by agreement or otherwise with the Board to the sole or preferential use of any railway sidings or any berth for vessels in the docks belonging to the Board; or

(*c*) any agreement for the loan of money, or any security for the payment of money only; or

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[1] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "the Chamber of Commerce" by First Schedule, Part II, Serial No. 9 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[3] Sub-section (*3*) was inserted by s. 2 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[4] These words were substituted for the words "shorter period" by s. 2 of the Bombay Port Trust (Amendment) Act, 1913 (Bom. 3 of 1913).

[5] Section 14 was substituted by s. 3 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

(*d*) any newspaper in which any advertisement relating to the affairs of the Board is inserted ; or

(*e*) any joint-stock company which shall contract with, or be employed by or on behalf of the Board ; or

(*f*) the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades.]

Grounds on which trustees shall vacate office.

[1][**14A.** Any trustee who—

(*a*) becomes disqualified for any of the reasons mentioned in the last preceding section ; or

(*b*) is absent from the meeting of the Board for a period exceeding twelve consecutive months, or without the permission of the Board from six consecutive ordinary meetings of the Board ; or

(*c*) acts in contravention of the provisions of the next succeeding section ;

shall cease to be a trustee, and his office shall thereupon become vacant.]

Restriction on power of trustees to vote or discuss matters in which they are interested.

[1][**14B.** A trustee shall not at any meeting of the Board or a Committee thereof take part in the discussion of, or vote on any matter in which he has directly or indirectly, by himself or his partner, any share or interest such as is described in section 14, sub-section (*2*), or in which he is interested either professionally on behalf of a client or as agent for any person, [2][other than [3][the Crown], a local authority, [4]* * * * a Railway Company [5][or a trade union registered under the Indian Trade Unions Act, 1926, or other than as agent, officer or member of an association formed for the purpose of promoting the interests or welfare of any class of officers or servants of the Board or of any class of persons employed by or on behalf of the Board.]] XVI of 1926.

Salaries of Trustees.

Salary of Chairman.

15. (*1*) The Chairman shall receive such salary as [6][the Central Government] shall from time to time determine.

Fees to which trustees other than the Chairman shall be entitled for an ordinary meeting of the Board ;

[7][(*2*) Every trustee other than the Chairman who shall attend a meeting at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof, shall be entitled to a fee of—

(*a*) Rs. 30 for every ordinary meeting of the Board, provided that if such meeting is adjourned or more than one ordinary meeting is held in any one week, no more than Rs. 30 shall be paid to any trustee for his attendance at all such meetings during that one week ;

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[1] Sections 14A and 14B were inserted by s. 4 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[2] These words were added by Schedule I, Part II, Serial No. 10 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] After the word "authority" a comma was inserted and the word "or" was deleted by Bom. 12 of 1933, s. 2 (*a*).

[5] These words were added, *ibid*, s. 2 (*b*).

[6] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[7] Clause (2) was substituted by s. 5 of the Bombay Port Trust (Amendment) Act, 1899 (Bom 1 of 1899).

(*b*) Rs. 30 for every special meeting of the Board convened under sub-section (*2*) (*b*) of the next succeeding section; for a special meeting of the Board;

(*c*) Rs. 15 for every special meeting of a Committee of which such trustee attending is a member, convened under sub-section (*5*) of the next succeeding section, provided that such special meeting of a Committee is not held upon the same day in continuation of or preparatory to an ordinary or special meeting of the Board for which he is entitled to a fee under either of the preceding clauses.] for a special meeting of a Committee.

[1][(*3*) The aggregate amount of fees payable to any trustee under the last preceding sub-section in respect of meetings held during any month shall not exceed Rs. 200, or such sum as may be fixed by any bye-law from time to time made in this behalf]. Proviso.

Proceedings of Board.

16. The following provisions shall be observed with respect to the proceedings of the Board (namely) :— Provisions as to Board's proceedings.

(*1*) during any vacancy in the Board, the continuing trustees may act as if no vacancy had occurred; Vacancy not to affect proceedings.

(*2*) the Board shall meet together and shall from time to time make such arrangements, not inconsistent with this Act, with respect to the place, day, hour, notice, management and adjournment of such meetings, and generally with respect to the transaction of business, as they think fit, subject to the following conditions, namely :— Board to arrange for transaction of business

(*a*) that a meeting shall be held once at least in every fortnight; to meet once a fortnight;

(*b*) that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three trustees, call a special meeting; special meetings;

(*c*) that no business shall be transacted at any meeting unless at least five trustees are present from the beginning to the end of such meeting; quorum;

(*d*) that every meeting shall be presided over by the Chairman, if he is present at the time appointed for holding the same, and if he is absent by such one of the trustees present as may be chosen by the meeting; presiding at meetings;

(*e*) that all questions shall be decided by a majority of votes of the trustees present, the President having a second or casting vote in all cases of equality of votes; questions decided by majority of votes;

(*f*) that if a poll be demanded the names of the trustees voting and the nature of their votes shall be recorded by the president; votes to be recorded, if poll demanded;

(*g*) that minutes shall be kept of the names of the trustees present and of the proceedings at each meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President of such meeting and shall be open to inspection by any trustee during office-hours; minutes of proceedings;

[1] Clause (*3*) was substituted by Bom. 1 of 1899, s. 5.

Board may delegate powers to committees.

(3) the Board delegate any of their powers to committees consisting of such trustees as they think fit; any committee so formed shall conform to any instructions that may from time to time be given to them by the Board, and the Board may at any time discontinue or alter the constitution of any committee so formed;

Chairman of committee-meetings.

(4) a committee may elect a Chairman of their meetings, and if no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting;

Meetings of committees. Special meetings.

(5) committees may meet and adjourn as they think proper; but the Chairman of the Board may, whenever he thinks fit, and shall, upon the written request of not less than two members of a committee, call a special meeting of such committee;

Questions how decided at committee-meetings.

(6) questions at any meeting of a committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the Chairman of the meeting shall have a second or casting vote; but no business shall be transacted at any such meeting unless at least [1][one-half, not being less than three in number,] of the members of the committee are present from the beginning to the end thereof;

Acts of Board, etc., not invalidated by informalities.

(7) no act of the Board, or of any committee, or of any person acting as trustee shall be deemed to be invalid by reason only of some defect in the appointment of such Board, committee, or trustee, or on the ground that they, or any of them, were disqualified for the office of trustee.

Power of Chairman as to contracts.

17. The Chairman may, on behalf of the Board, enter into any contract or agreement whereof the value or amount shall not exceed one thousand rupees, in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf; but every other contract and agreement on behalf of the Board shall be in writing, and shall be signed by the Chairman and by two other trustees, and shall be sealed with the common seal of the Board. No contract or agreement not executed as is in this section provided shall be binding on the Board.

Chairman's signature may be engraved.

[2][**17A.** Notwithstanding anything contained in section 17, the signature of the Chairman may be engraved, lithographed, or impressed by any mechanical process on the coupons attached to debentures issued under this Act, and such signature so engraved, lithographed, or impressed shall be as valid as if the same had been subscribed in the proper handwriting of the said Chairman.]

Board may compound for breach of contract.

18. The Board may compound or compromise for, or in respect of, any claim or demand arising out of any contract entered into by them under this Act, or in respect of any action or suit instituted by or against them, for such sum of money, or other compensation, as they shall deem sufficient.

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[1] These words were substituted for the words "two-thirds" by s. 3 of the Bombay Port Trust (Amendment) Act, 1913 (Bom. 3 of 1913).

[2] Section 17A was inserted by s. 1 of the Bombay Port Trust (Amendment) Act, 1881 (Bom. 3 of 1881).

The Chairman.

19. The Chairman shall— Duties of Chairman.

(*1*) attend every meeting of the Board unless prevented by sickness or other reasonable cause;

(*2*) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board; [1]* * * * *

(*3*) furnish to [2][the Central Government] a copy of the minutes of any of the Board's proceedings, and any returns or other information which [3][the Central Government] may from time to time call for.

20. [2][The Central Government] may from time to time grant to the Chairman such leave of absence as they may deem fit, and any person whom [3][the Central Government] appoint to act for the Chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the Chairman. Leave of absence to Chairman.

The allowance, if any, which [2][the Central Government] direct to be paid to the Chairman during his absence on leave, and the salary which [the Central Government] direct to be paid to the person appointed to act for him, shall be a charge on the general account of the Board. Leave and acting allowances how defrayed.

III.—Of the Officers and Servants of the Board.

Strength of Staff.

21. The Board shall from time to time prepare and sanction a schedule of the staff of officers and servants whom they shall deem it necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees and allowances which the Board sanctions for each such officer or servant. Schedule of staff and of pay and allowances to be prepared and sanctioned by Board.

[4]* * * * *

[5][Provided always that— Proviso.

(*a*) artisans, porters and labourers and mukadams of porters and labourers [6][and any persons employed in any capacity in any waiting or refreshment room constructed by the Board under the authority contained in section 68 (7A),] and

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[1] The words and figures "and subject to the regulations at the time being in force framed by the Board under section 22, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;" were omitted by Bom. 5 of 1923, s. 4.

[2] The words "the Central Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Central Government" were substituted for the word "Government", *ibid.*

[4] Paragraph 2 was repealed by s. 21 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. of 1899).

[5] This proviso was substituted for the original by s. 2 of the Bombay Port Trust (Amendment) Act, 1917 (Bom. 4 of 1917).

[6] These words were inserted by s. 2 of the Bombay Port Trust (Amendment) Act, 1920 (Bom. 21 of 1920).

(*b*) persons in temporary employment other than those who are in receipt of a monthly salary exceeding one hundred and fifty rupees or who are engaged for a definite period exceeding six months,

shall not be deemed to be officers and servants within the meaning of this section or of section 22, clauses (*1*) to (*4*) both inclusive, or of section 23.]

Board to regulate grant of leave ;

22. The Board shall from time to time frame regulations—

(*1*) for regulating the grant of leave to he officers and servants of the Board ;

absentee allowances ;

(*2*) for authorising the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;

acting allowances ;

(*3*) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave ;

length of service ;

(*4*) for regulating the period of service of all such officers and servants ;

pensions etc. ;

(*5*) for determining the conditions under which such officers and servants or any of them [1][and the Chairman] shall, on retirement, receive pensions, gratuities or compassionate allowances, and the amount of such pensions, gratuities or compassionate allowances ;

[2][Provided that it shall be in the discretion of the Board to determine whether all of such officers and servants, or any, and, if so, which of them, shall become entitled on retirement to any such pensions, gratuities or compassionate allowances as aforesaid ;]

contributions to provident fund ;

(*6*) for authorizing the payment of contributions at certain prescribed rates and subject to certain prescribed conditions to any provident fund which may, with their approval, be established by the officers and servants appointed under this Act, [3][or to such provident fund, if any, as may be established by the Board for the benefit of such officers and servants [4][and the Chairman] ;

contributions to welfare fund.

[5](*6A*) for authorizing the payment of contributions to any welfare fund or funds which may be established by the Board for the benefit of the officers and servants appointed under this Act ;

contribution or appropriations to special funds.

[5](*6B*) for authorizing the payment of contributions or appropriations to any special fund or funds which may be established by the Board for any of the purposes of this Act :

Provided that no such special fund shall be established without the previous sanction of [6][the Central Government] ; and the maximum amount to which any such special fund may be allowed to accumulate shall be fixed from time to time by [6][the Central Government.]

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[1] The words "and the Chairman" were inserted by Bom. 8 of 1926, s. 2 (*a*).

[2] This proviso was inserted by s. 2 of the Bombay Port Trust (Amendment) Act, 1883 (Bom. 3 of 1883).

[3] These words were added, *ibid*, s. 3.

[4] The words "and the Chairman" were added by Bom. 8 of 1926, s. 2 (*b*).

[5] Sub-sections (*6-A*) and (*6-B*) were inserted by Bom. 14 of 1927, s. 2.

[6] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[1][(7) for determining the conditions under which pensions, gratuities or compassionate allowances may be paid to any of such officers and servants injured, or to the surviving relatives of any of such officers and servants killed in the execution of their duty ;] . determining conditions of grant of wound pensions or compassionate allowances ; gratuities to widows and children.

[2][(8) with the previous sanction of [3][the Central Government], for determining the conditions under which gratuities may be paid to the widows or children of any such officers and servants who may die in the service of the Board :

Provided that officers and servants who were appointed by [3][the Central Government] previous to the passing of the [4]Bombay Port Trust Act, 1873, and whose salaries were paid from the fund known as "The Bombay Port Fund", and who have continued in the service of the trustees appointed under the [4]Bombay Port Trust Act, 1873, and of the Trust constituted by this Act, shall be entitled to retiring pensions, gratuities or compassionate allowances at the same rates and subject to the same conditions as may from time to time be applicable to the servants of [3][the Central Government] of similar standing and status ; and that in the event of any question arising as to the right of any such officer or servant to a retiring pension, gratuity or compassionate allowance, or as to the amount of retiring pension, gratuity or compassionate allowance to which he is entitled, it shall be determined by [3][the Central Government.] Proviso as to certain officers and servants.

[5][*Deputy Chairman.*]

[5][**22A.** (*1*) The Board may from time to time appoint a person to be Deputy Chairman. Deputy Chairman.

(*2*) Every such appointment shall be subject to the approval of the [6][Central Government.]

(*3*) A Deputy Chairman so appointed may, subject to the control of the Chairman, perform such of the duties of the Chairman under this Act and such other duties appertaining to his office as the Board may from time to time determine :

Provided that none of the duties or powers of the Chairman under the undermentioned provisions of the Act shall be performed or exercised by a Deputy Chairman :—

Section 16, sub-section (*2*), clauses (*b*) and (*d*), and sub-section (*5*) ;

Section 17 ;

Section 17A ;

Section 19, sub-sections (*1*) and (*3*) ;

Section 52 ;

Section 56.

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[1] Clause (7) was inserted by s. 7 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[2] Clause (8) was inserted by s. 3 of the Bombay Port Trust (Amendment) Act, 1917 (Bom. 4 of 1917).

[3] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The Bombay Port Trust Act, 1873 (Bom. 1 of 1873), is repealed by s. 2 of this Act.

[5] This heading and section 22A were inserted by s. 2 of the Bombay Port Trust (Amendment) Act, 1910 (Bom. 4 of 1910).

[6] The words "Central Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

(*4*) Anything done by a Deputy Chairman within the limits of his authority as so determined from time to time by the Board shall for all the purposes of this Act be deemed to have been done by the Chairman.

(*5*) The Deputy Chairman shall hold no other salaried office and save in so far as he may be otherwise permitted by the Board, shall devote his whole time and attention to his duties as Deputy Chairman.

(*6*) Any person appointed by the Board with the approval of the [1][Central Government] to act for the Deputy Chairman during his absence shall while so acting be deemed for all the purposes of this Act to be the Deputy Chairman.]

Powers of Appointment, etc.

Appointments, etc., by whom to be made.

23. [2][Subject to the provisions of the schedule for the time being sanctioned by the Board under section 21 and of the regulations for the time being in force] under section 22, the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the Board shall be exercised by the Chairman in the case of officers and servants whose monthly salary does not exceed [3][five] hundred rupees, and in every other case by the Board [4][and, subject to the regulations at the time being in force under section 22, the power of disposing of all other questions relating to the services of the officers and servants of the Board and their pay, privileges and allowances shall be exercised by the Chairman :

Provided that the Chairman may upon such terms as he shall think fit and subject to the aforesaid provisions and regulations and to the Chairman's powers of revision and control delegate to the head of any department for the time being all or any of his powers under this section in respect of officers and servants of the department whose monthly salary does not exceed three hundred rupees.

Explanation.—In this section the words "head of any department" shall include the Chief Accountant, the Secretary, the Chief Engineer, the Railway Manager, the [5][Deputy Conservator], the Docks Manager, the Manager, Land and Bunders Department, the Controller of Stores and the Chief Officer of any other department which may be constituted by the Board ; they shall also include any officer acting for the time being in any of the aforesaid capacities.]

The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own misconduct, or of permitting any such officer or servant to retire on a pension, gratuity or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone.

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[1] The words "Central Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "Subject to the provision of the said regulations and of the schedule for the time being in force framed by the Board" by s. 8 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[3] The word "five" was substituted for the word "three" by Bom. 5 of 1923, s. 5 (*1*).

[4] These words were added, *ibid*, s. 5 (*2*).

[5] The words "Deputy Conservator" were substituted for the words "Port Officers" by Bom. 5 of 1930, s. 2.

[1]24. Every order or regulation made by the Board under any of the four last preceding sections shall, so far as the same relates to the Deputy Chairman, Chief Engineer, Railway Manager, Secretary, Chief Accountant, [2][Deputy Conservator], Docks Manager, Manager, Land and Bunders Department, Controller of Stores or any person who may, from time to time, be employed in the capacity of Consulting Engineer to the Board, be subject to the previous sanction of [3][the Central Government]. Sanction of Central Government when necessary.

Continuance of present Officers and Servants.

25. All officers and servants holding any office on the day previous to the date notified by the [4][Provincial Government] under section 8, under the trustees appointed under the [5]Bombay Port Trust Act, 1873, shall be deemed to have been appointed under this Act, and shall continue to hold the same office and to receive the same remuneration under the Board until an order to the contrary is passed by competent authority under this Act. Officers and servants of late trustees continued.

IV.—Of the Property and Liabilities of the Board.

General Powers as to Property.

26. The Board shall, for the purposes of this Act, have power to acquire and hold moveable and immovable property, whether within or without the limits of the Port or City of Bombay; and shall also have power to lease, sell or otherwise convey any moveable or immovable property which may have become vested in or been acquired by them: Powers of Board as to property.

Provided that no sale of immovable property and no lease of any such property for a term exceeding fifty years shall be valid unless such sale or lease shall have been made with the previous sanction of [3][the Central Government].

27. When the Board are unable to acquire, by agreement, any immovable property required for the purposes of this Act, [3][the Central Government] may [6]* * * * * * * * order proceedings to be taken for acquiring the same on behalf of the Board as if such property were land needed for a public purpose within the meaning of the [7]Land Acquisition Act, 1870. Procedure when Board unable to acquire, by agreement, immovable property.

The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall be forthwith defrayed by the Board, and thereupon the said property shall vest in the Board.

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[1] Section 24 was substituted for the original section by Bom. 5 of 1924, s. 2.

[2] The words "Deputy Conservator" were inserted by Bom. 5 of 1930, s. 3.

[3] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[5] The Bombay Port Trust Act, 1873 (Bom. 1 of 1873), is repealed by s. 2 of this Act.

[6] The words "in their discretion" were omitted by the Adaptation of Indian Laws Order in Council.

[7] *See* now s. 2 of the Land Acquisition Act, 1894 (1 of 1894).

Transfer of property to Board.

Transfer to Board of property of present Port Trust.

28. All such immovable and other property as is held by or in trust for the trustees of the Port of Bombay under or in pursuance or for the purposes of the [1]Bombay Port Trust Act, 1873, shall, upon and after the date notified by the [2][Provincial Government] under section 8, vest in the Board, but subject to all charges and liabilities affecting the same.

The property vested by this section in the Board shall be deemed to include the estate, right, title and interest of the [3][Crown] in the rock, stones, shingle, gravel, sand or soil within the port, and also the right of levying rates on all goods landed at or shipped from any part of the foreshore between Malabar Point and Colaba Point.

Vesting in Board the right, title and interest acquired by Secretary of State in other properties.

29. Whereas the Secretary of State for India in Council has initiated measures for the acquisition, from the holders thereof, of the properties severally named and generally described in Schedule A, but the arrangements for the said acquisition are not yet complete; and whereas it is expedient that all such estate and interest as may be acquired by the Secretary of State for India in Council in the said properties should vest in the Board; It is hereby enacted that upon and after such date as shall be fixed in this behalf by the [2][Provincial Government], all the estate, right, title and interest of the Secretary of State for India in Council in the said properties shall, subject to the provisions hereinafter contained, become vested in the Board, subject to all covenants, charges, contracts and liabilities affecting the same.

Board to issue securities in payment of price of properties vested in them under section 29.

30. And whereas it is proposed that the purchase-money of the said properties shall be paid in Port Trust securities bearing interest at the rate of four per centum per annum; It is hereby enacted that the Board shall within two months from the date aforesaid execute and deliver to the holders of the said properties, securities in the form of Schedule B, under their common seal, for the sums for which the said properties shall be respectively purchased by the Secretary of State for India in Council: Provided that the said sums shall not exceed, in the aggregate, seventy-seven lakhs of rupees, and that so long as the said amount is not exceeded it shall be competent to the Secretary of State for India in Council to acquire such estate, right, title and interest in the said properties as he shall deem fit, anything contained in Schedule A notwithstanding.

Securities to be for not less than one hundred rupees each

Every such security shall be for an amount of not less than one hundred rupees, and shall covenant for the payment of interest on the principal sum at the rate of four per centum per annum from the date fixed by the [2][Provincial Government] under section 29; and such interest shall be payable half-yearly on or after the 1st April and the 1st October.

and to be transferable.

The said securities shall be transferable by endorsement.

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[1] The Bombay Port Trust Act, 1873 (Bom. 1 of 1873), is repealed by s. 2 of this Act.

The words "Provincial Government" were substituted for the words "Governor in Council", by the Adaptation of Indian Laws Order in Council.

[3] The word "Crown" was substituted for the words "Secretary of State for India in Council", *ibid.*

[1][30A. The Board may from time to time, with the previous consent of [2][the Central Government], provide for the issue of securities in lieu of those already issued or yet to be issued under section 30 in a form other than that of Schedule B, and for the payment of the interest due on the principal sums thereby secured by coupons annexed to the said securities, or in such other manner as they shall think fit. Substitution of securities in new forms for those issued under section 30.

The holder of any security in the form of Schedule B, or in any new form duly authorized under this section, may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a security in any other form so authorized.

Every new security issued under this section shall be transferable in such manner as shall be therein expressed, [3][anything in section 30 to the contrary notwithstanding].]

Application of the Board's Property.

31. [*Sale-proceeds of Board's property how invested.*] *Rep. Bom. VI of 1914, s. 2.*

32. Nothing in this Act shall be deemed to affect the power of [4][any Government] to order proceedings to be taken under the [5]Land Acquisition Act, 1870, or any other law for the time being in force for the acquisition of land for public purposes in respect of any land vesting in the Board. Saving of powers of any Government under Land Acquisition Act, 1894.

Liabilities.

33. The capital-debts due by the Board on account of the immovable and other property vested in it by this Act are as follows (namely) :— Capital-debts of Board.

[6][(*a*) to the [7][Crown]—so much of the amounts mentioned in Schedule C as shall for the time being remain unpaid];

(*b*) to the holders of the securities to be issued by the Board under section 30—the amounts of such securities.

34. On the amounts mentioned in column 3 of Schedule C no interest shall be payable. Interest in what cases to be paid by the Board.

[8][On so much of the amounts mentioned in column 2 of the said Schedule as had not been repaid on the 1st day of April 1913, and as shall for the time being remain unpaid thereafter, interest shall be payable by the Board to the [7][Crown]

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[1] Section 30A was inserted by s. 1 of the Bombay Port Trust (Amendment) Act, 1881 (Bom. 1 of 1881).

[2] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words and figures were added by s. 2 of the Bombay Port Trust (Amendment) Act, 1881 (Bom. 3 of 1881).

[4] The words "any Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] *See* now s. 2 of the Land Acquisition Act, 1894 (1 of 1894).

[6] This clause was substituted by s. 4 of the Bombay Port Trust (Amendment) Act, 1917 (Bom. 4 of 1917).

[7] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[8] This paragraph was substituted by s. 5 of the Bombay Port Trust (Amendment) Act, 1917 (Bom. 4 of 1917).

annually on the 1st day of April in every year commencing from the 1st day of April 1913, at the rate of four per centum per annum.]

[1]* * * * * *

On the amounts, if any, which may hereafter be advanced to the Board by [2][the Central or the Provincial Government] [3]* * * interest shall be payable by the Board to [4][that Government] on such dates and at such rates as shall be agreed upon between [4][that Government] and the Board in respect of such advances.

On the amounts of the securities issued by the Board under section 30 [5][or section 30A] interest at the covenanted rate of four per centum per annum shall be payable by the Board half-yearly on the 31st March and the 30th September to the Accountant General of Bombay or other officer for the time being performing the duties of the office of the said Accountant General, who shall pay the same on or after the 1st April and 1st October respectively to the holders of the said securities.

If any sum due by the Board under this section on account of interest, or any portion thereof, is not paid by them on the date on which the same is hereby declared to be payable, they shall continue liable for the payment thereof, and interest shall be paid by them to the [6][Government concerned] upon the balance from time to time overdue at the rate of four [7]* * * per centum per annum, until the whole amount is paid.

Interest to be paid out of Provincial revenues if default made by Board.

35. In the event of default being made by the Board in any payment of interest due by it under paragraph 2, 3 or 4 of the last preceding section, the same shall be paid by the Accountant General of Bombay or other officer aforesaid, who shall debit the amount so paid to [8][the revenues of the Central Government]; and, in the event of default being made by the Board in any payment due by it under paragraph 5 the said section, the Accountant General or other officer aforesaid shall nevertheless pay to the security-holders the interest due upon their securities, and shall debit the amounts so paid to [8][the revenues of the Central Government].

Lump payment to be made to Municipality in lieu of general tax.

[9][**36.** (*1*) The Board shall pay annually, on the thirtieth day of September, to the Municipal Corporation of the City of Bombay, in lieu of the general tax leviable by the said Corporation in respect of the property or some portion of the property, vested in the Board, which would otherwise be liable to be assessed to the said tax, a sum ascertained in the manner provided in sub-sections (*2*) and (*3*).

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[1] The third paragraph of section 34 was repealed by s. 5 (*2*) of the Bombay Port Trust (Amendment) Act, 1917 (Bom. 4 of 1917).

[2] The words "the Central or the Provincial Government" were substituted for the words and figures "the Governor in Council under section 39" by the Adaptation of Indian Laws Order in Council.

[3] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] The words "that Government" were substituted for the words "the Secretary of State in Council", and "Government" respectively by the Adaptation of Indian Laws Order in Council.

[5] These words and figures were inserted by s. 3 of the Bombay Port Trust (Amendment) Act 1881 (Bom. 3 of 1881).

[6] The words "Government concerned" were substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[7] The words "and one-half" were repealed by s. 5 (*3*) of the Bombay Port Trust (Amendment) Act, 1917 (Bom. 4 of 1917).

[8] The words "the revenues of the Central Government" were substituted for the words "The Provincial revenues of the Presidency of Bombay" by the Adaptation of Indian Laws Order in Council.

[9] Section 36 was substituted by s. 145 of the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).

(*2*) The rateable value of the buildings and lands in the city vesting in the Board in respect of which the said tax would be leviable from the Board shall be fixed from time to time by the [1][Central Government]. The said value shall be fixed with a general regard to the provisions contained in the City of Bombay Municipal Act, 1888, concerning the valuation of property assessable to property-taxes, at such amount as the [1][Central Government] shall deem to be fair and reasonable. Every such decision of the [1][Central Government] shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in the Board materially increases or decreases.

Bom. III of 1888.

(*3*) The sum to be paid annually to the Corporation by the Board shall be [2][nineteen-twentieths] of the amount which would be payable by an ordinary owner of building or lands in the city, on account of the general tax on a rateable value of the same amount as that fixed under sub-section (*2*).]

Roads and thoroughfares constructed by Board to be maintained by Municipality in consideration of such payment.

37. In consideration of the said payment the Municipal Commissioner shall, on being satisfied that any road or thoroughfare has been duly levelled, paved, metalled, flagged, channelled and sewered by the Board, declare such road or thoroughfare to be a public road or thoroughfare, and the Municipality shall thenceforward maintain, keep in repair, light and cleanse such road or thoroughfare: [3][Provided that in respect of any such road or thoroughfare wholly constructed after the passing of this Act the Commissioner before making such declaration may further require to be satisfied that the same has been drained, and that such lamps, lamp-posts and other apparatus as in his opinion are necessary for the lighting thereof and should be provided by the Board have been so provided]. The Municipality shall also, on requisition by the Board, maintain, keep in repair, light and cleanse the road of any wharf, dock or pier vested in the Board.

Roads and thoroughfares not to be stopped up without consent of Board.

The Municipality shall maintain, keep in repair, light and cleanse the said roads and thoroughfares in the same manner and with the same liabilities in respect thereof as if the said roads and public thoroughfares vested in the said Municipality; but it shall not be competent to the Municipal Commissioner or to the Municipality to discontinue or stop up any road or thoroughfare which at any time vested in, or which has been constructed by, the Board or the Trustees of the Port appointed under the [4]Bombay Port Trust Act, 1873, and which has been declared to be a public road or thoroughfare under this section or under section 9 of the said Act, without the previous consent in writing of the Board; and the land occupied by any road or thoroughfare so discontinued or stopped shall vest in the Board and not in the Municipality.

Disputes under last section to be settled by Central Government.

38. Any dispute which arises between the Board and the Municipality in respect of any of the provisions of the last preceding section shall be determined by [5][the Central Government], and their decision shall be final.

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[1] The words "Central Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "nine-tenths" by s. 2 of the Bombay Port Trust (Amendment) Act, 1901 (Bom. 2 of 1901).

[3] These words were inserted by s. 9 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[4] The Bombay Port Trust Act, 1873 (Bom. 1 of 1873), is repealed by s. 2 of this Act.

[5] The words "the Central Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

V.—Of the Borrowing Powers of the Board.

39. [1]* * * * * * * *

Borrowing powers.

[2][The Board may, after notification in the *Bombay Government Gazette*, raise money for [3][the General purposes of this Act] or for the purpose of repaying, either in whole or in part, any moneys heretofore or hereafter borrowed or owing by the Board :

Proviso.

Provided that—

(*i*) No loan shall be raised without the previous sanction of [4][the Central Government], [5]* * * * * * * * *

(*ii*) [6]* * * * * * * * *

(*iii*) No expenditure shall be charged by the Board to capital, except with the express sanction of [4][the Central Government.]

[7][(*iv*) No notification shall be necessary if the Board raise the money by borrowing from the Central or the Provincial Government.]

40. [*Manner of raising loans determined by Government.*] *Rep. Bom. III of 1913, section 4 (2).*

Interest on debentures to be first charge on rates.

41. If such money shall be raised on debentures bearing interest, such interest shall be a charge on the rates prior to the charge for interest payable to the [8][Crown] provided for by section 34.

Establishment of sinking fund.

[9][**41A.** (*1*) In respect of every loan raised by the Board after the commencement of this section for a term exceeding one year (except a loan taken from the Secretary of State for India in Council [10][or the Central or the Provincial Government]), the Board shall provide a sinking fund. Payments shall be made half-yearly to such sinking fund, and such payments shall be of such amount as shall with interest suffice to liquidate the loan within such period not exceeding sixty years from the date of the contracting of the same as the [11][Central Government] may in each case direct.

Application of sinking fund.

(*2*) The Board may apply the whole or any part of the sums accumulated in the sinking fund in or towards the discharge of the moneys for the repayment of which the fund has been established, provided that they pay into the fund in each year, and accumulate until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been produced by the sinking fund, or the part of the sinking fund so applied.

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[1] The words "The Governor in Council, acting on behalf of the Secretary of State for India in Council, may, with the previous consent of the Governor General of India in Council, from time to time advance money to the Board for the general purposes of this Act; or" were omitted by the Adaptation of Indian Laws Order in Council.

[2] These paragraphs were substituted by s. 4 (*1*) of the Bombay Port Trust (Amendment) Act, 1913 (Bom. 3 of 1913).

[3] These words were substituted for the words "the said purposes" by Act 34 of 1939, s. 2, Sch. I.

[4] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "and if the amount of the loan exceeds five lakhs of rupees, or if the repayment of the loan is to be made after a period exceeding thirty years, of the Governor General in Council" were omitted, *ibid.*

[6] Proviso (*ii*) was omitted, *ibid.*

[7] Proviso (*iv*) was inserted, *ibid.*

[8] The word "Crown" was substituted for the words "Secretary of State for India in Council", *ibid.*

[9] Section 41A was inserted by s. 5 of the Bombay Port Trust (Amendment) Act, 1913 (Bom. 3 of 1913).

[10] The words "or the Central or the Provincial Government" were inserted by the Adaptation of Indian Laws Order in Council.

[11] The words "Central Government" were substituted for the words "Governor General in Council", *ibid.*

The sums so set apart as a sinking fund shall be invested in public securities as defined in section 3 (*12*) or in such other securities as [1][the Central Government] may approve in this behalf and shall be held in trust for the purposes of this Act by the Board.]

Annual examination of sinking fund.

[2][**41B.** The sinking fund established for the liquidation of any loan shall be subject to annual examination by the Accountant General, Bombay, who shall ascertain whether the cash and the value of the securities at the credit of the fund are actually equal to the amount which would have been accumulated, had investments been regularly made, and had the rate of interest as originally estimated been obtained thereon. The Board shall pay forthwith into the sinking fund any amount which the Accountant General may certify to be deficient, unless the [3][Central Government] specially sanctions a gradual re-adjustment.]

Loans to be first charge on property and income of Board.

[4][**41C.** All loans repayable by the Board, whether contracted prior to or after the enactment of this section together with the interest payable in respect of such loans shall, subject to the provisions of section 41, be a first charge on the income and property of the Board.]

Forms of debentures.

[5][**42.** When money is raised by the Board on debentures, the debentures shall be in the form of Schedule D, or in such other form as the Board, with the previous consent of [1][the Central Government], shall from time to time determine :

[6]* * * * * * *

The holder of any debenture in the form of Schedule D, or in any form duly authorized under this section, may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form so authorized.

Every debenture issued by the Board shall be transferable,—

(*a*) if it is in the form of Schedule D, by endorsement, and

(*b*) if it is in any other form, in such manner as shall be therein expressed.

The right to sue in respect of the money secured by debentures issued under this section shall vest in the respective holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Right of survivors of joint payees of securities.

IX of 1872

[7][**42A.** (*1*) Notwithstanding anything in the Indian Contract Act, 1872, section 4, when any debenture or security issued under the provisions of this Act is payable to two or more persons jointly and either or any of them dies, the debenture or security shall be payable to the survivor or survivors of those persons.

(*2*) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture or security jointly payable to him or them and the deceased.

(*3*) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this Act comes into force.]

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[1] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Section 41B was inserted by s. 5 of the Bombay Port Trust (Amendment) Act, 1913 (Bom. 3 of 1913).

[3] The words "Central Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] Section 41-C was added by Bom. 9 of 1936, s. 2.

[5] Section 42 was substituted by s. 2 of the Bombay Port Trust (Amendment) Act, 1881 (Bom. 1 of 1881).

[6] The proviso was omitted by the Adaptation of Indian Laws Order in Council.

[7] Sections 42A and 42B were inserted by s. 10 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

Power of one of two or more joint holders to grant receipts.

[1][42B. Where two or more persons are joint holders of any debenture or security issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Board by any other of the holders.]

Prohibition of endorsements on allonges.

[2][42C. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of any debenture issued under the provisions of this Act and transferable by endorsement shall not be said to endorse the debenture, or be called the endorser thereof, if when he signs the same for purpose of negotiation he subscribes his signature for that purpose elsewhere than on the back of the debenture itself.] XXVI of 1881

Issue of stock certificates.

[2][42D. (*1*) The Board at its discretion at the time of issue or at any time during the currency of any debentures or securities issued under the provisions of this Act, upon the application of the subscriber for, or holder of, any such debentures or securities, issue to him, in lieu of the debentures or securities deliverable to or held by him, a certificate in the nature of a stock certificate in respect of each loan to which such debentures or securities relate, which shall be in such form as the Board, with the previous consent of [3][the Central Government], shall from time to time determine ; and all the provisions of section 41 as to the interest on debentures shall apply to the interest on the stock certificates.

(*2*) The Board shall upon the application of the holder of a stock certificate convert the same into debentures or securities of the loan to which it relates.]

Board empowered to make rules.

[4][42E. (*1*) The Board may from time to time make rules to prescribe—

(*a*) the amounts for which stock certificates may be issued ;

(*b*) the fees to be levied in respect of the issue of stock certificates ;

(*c*) the mode in which payment of interest in respect of all debentures, stock certificates and other securities issued under the provisions of this Act, is to be made, recorded and acknowledged ;

(*d*) the circumstances in which such debentures and other securities must be renewed before further payment of interest thereon can be claimed ;

(*e*) the fees to be levied in respect of the issue of renewed debentures or other securities ;

(*f*) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock ;

(*g*) the form in which debentures or other securities delivered for renewal are to be receipted ;

(*h*) the proof to be produced by persons applying for duplicate debentures or other securities ;

(*i*) the circumstances and manner in which duplicate debentures or other securities may be issued in case of debentures and other securities alleged to have been wholly or partly lost or destroyed and the period after which interest may be paid, or a duplicate be issued, in the case of such debentures or other securities alleged to have been wholly or partly lost or destroyed, and the fees to be levied in respect of the issue of duplicate debentures or other securities ;

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[1] Section 42A and 42B were inserted by s. 10 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[2] Sections 42C and 42D were inserted by s. 7 of the Bombay Port Trust (Amendment) Act, 1913 (Bom. 3 of 1913).

[3] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] Section 42E was inserted by s. 7 of the Bombay Port Trust (Amendment) Act, 1913 (Bom. 3 of 1913).

(*j*) the circumstances and manner in which duplicate stock certificates may be issued and the fees to be levied on any such issue;

(*k*) the nature and amount of indemnity to be given by a person applying for the payment of interest on debentures or other securities alleged to have been wholly or partly lost or destroyed, or the issue of duplicate debentures or other securities;

(*l*) generally the measures to be adopted for carrying out the purposes of this Part.

(*2*) The Board may also, from time to time, vary, alter or revoke any such rules so made by them.

No rule, or alteration or revocation of a rule, shall have effect until the same shall have been approved by [1][the Central Government], and such approval shall have been published in the *Bombay Government Gazette;* and no rule, or alteration or revocation of a rule, shall be approved by [1][the Central Government] until the same shall have been published for three weeks successively in the said Gazette.

It shall be lawful for [1][the Central Government] at any time by notification in the said Gazette to cancel any rule published under the provisions of this section.]

VI.—Of Revenue and Expenditure.

Levy of Rates.

Scale of rates to be framed by Board.

43. The Board shall frame [2]a scale of tolls, dues, rents, rates and charges to be levied for each or any of the following matters (namely):—

(*a*) for the landing, shipping, wharfage, cranage, storage or demurrage of goods at,

(*b*) for permission for vessels or boats to approach, or to be alongside, and

(*c*) for animals or vehicles carrying goods to or from, or entering upon or plying for hire at or on,

any wharf, dock, [3][pier, land or building] in the possession of the Board, and so much of the [4][Sewri] and of the Gun Carriage Reclamation as is in the possession of the Great Indian Peninsula and the Bombay Baroda and Central India Railway Companies, respectively: Provided that no such toll, due, rent, rate or charge shall be leviable at so much of the said [4][Sewri] and Gun Carriage Reclamation as is aforesaid in respect of any goods, vessel, animal or vehicle belonging to the said companies respectively.

[5]* * * * * * *

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[1] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] For scale of rates for wharfage, landing and storage of ammunition and other explosives at Sewri, *see Bombay Government Gazette*, 1900, Pt. I, p. 263, and *ibid*, 1901, Pt. I, p. 726.

For scale of charges for "Warrant" and "Unwarrant" goods deposited in Port Trust Warehouses, *see Bombay Government Gazette*, 1885, Pt. I, pp. 142 and 660; *ibid*, 1887, Pt. I, p. 466, and *ibid*, 1888, Pt. I, p. 76.

For rates chargeable at Victoria Dock, *see Bombay Government Gazette*, 1888, Pt. I, p. 296.

For wharfage fees payable at Port Trust Bandars, *see Bombay Government Gazette*, 1888, Pt. I, p. 923, and *ibid*, 1902 and 1903, Pt. I, pp. 1808 and 993, respectively.

[3] These words were substituted for the words "or pier" by the Bombay Port Trust (Amendment) Act, 1883 (Bom. 6 of 1883).

[4] This word was substituted for the words "Wari Bander", by s. 2 of the Bombay Port Trust (Amendment) Act, 1919 (Bom. 4 of 1919).

[5] The last three paragraphs of s. 43 were repealed by s. 11 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

Scale of charges for use of dock, etc.

[1][**43A.** The Board may also frame a scale of charges to be levied—

(*a*) for the permission to use, and for the use of, any dock in the possession of the Board, and for services which the Board renders to, and

for gear, tackle, tools, instruments, utensils, staging or materials supplied by the Board for the purpose of any vessel using, or any person working in, any such dock;

(*b*) subject to the provisions of section 68, for the use of water-boats, barges, and fire-engines belonging to or maintained by the Board, and for water supplied by the Board in accordance with the provisions of section 68; and

(*c*) for the towing of, and rendering assistance of the nature referred to in clause (*9*) of section 68 to, vessels outside the limits of the port.]

Scales framed under last two sections to be submitted to Central Government for sanction.

[1][**43B.** (*1*) Every scale framed by the Board under either of the two last preceding sections shall be submitted to [2][the Central Government] for sanction; and, when so sanctioned and published in the *Bombay Government Gazette*, shall have the force of law; and subject to the like sanction and publication, may from time to time be [3]amended or added to by the Board.

Rates may be remitted in special cases.

(*2*) The Board may, in special cases, [4]* * * remit the whole or any portion of the rates or of any charge leviable according to any scale in force under this section.]

44. [*Toll on troops.*] *Rep. Act II of 1901.*

Charges for landing, shipping and transhipping goods.

45. Subject to the provisions of any law for the time being in force, the Board may land, ship or tranship goods between vessels in the harbour and the wharves, piers or docks in their possession, and may make such charges for so doing as they shall think fit.

Charges for towage.

46. The Board may procure and maintain such number of steam-vessels as they may deem fit to be employed in towing vessels into, out of, or in the harbour, and may make such charges for towage by the said steam-vessels as they shall think fit.

Division of Accounts.

Pilotage account.

47. In the accounts of the Board a pilotage account shall be kept separate from the general account.

Items to be credited to general account.

48. The rates and charges from time to time levied under sections 43 to 46 together with all rents of lands and buildings, and all fines and penalties levied under this Act, other than fines and penalties levied from pilots or other persons employed in the pilot service, and all miscellaneous items of revenue recovered by the Board, except pilotage fees, shall be credited to the general account.

[5][This section does not apply to fines and penalties imposed by a Court.]

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[1] Sections 43A and 43B were inserted by s. 12 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[2] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] Several notifications making alterations in these scales have since 1902 been issued under this section. As an instance of such a notification, *see Bombay Government Gazette*, 1902, Pt. I, p. 1156.

[4] The words "with the previous sanction of Government" were omitted by s. 8 of the Bombay Port Trust (Amendment) Act, 1913 (Bom. 3 of 1913).

[5] These words were added by the Adaptation of Indian Laws Order in Council.

49. The moneys credited to the general account shall be held by the Board in trust, and, except as is hereinafter provided, shall be applied by them in payment of the following charges (namely) :— Moneys credited to general account how expended.

[1][(*1*) (*i*) the salaries, fees, allowances, pensions, gratuities, compassionate allowances or other moneys due to the trustees and to the officers and servants appointed under this Act ;

(*ii*) the contributions, if any, duly authorized to be made,

(*a*) to any provident fund established by the said officers and servants or,

(*b*) to such provident fund, if any, as may be established by the Board for the benefit of such officers and servants and the chairman ;

(*c*) to such welfare fund or funds, if any, as may be established by the Board for the benefit of such officers and servants ; Provided that any contribution to a welfare fund established by the Board for the benefit of such officers and servants drawing not less than Rs. 300 a month shall not exceed the amount accruing from the following sources viz. :

(*i*) fines levied from such officers and servants ;

(*ii*) unclaimed salaries of such officers and servants ; and

(*iii*) forfeitures of contributions to the provident fund established by the Board for the benefit of such officers and servants ;

(*iii*) the contributions or appropriations to such special fund or funds as may be established by the Board for any of the purposes of this Act ; and

(*iv*) if any such provident fund or welfare fund or special fund be established by the Board, the cost and expenses, if any, which may be incurred by the Board in the conduct and administration thereof ;]

(*2*) the cost of repairs and maintenance of the property vested in the Board and all charges upon the same and all working expenses ;

(*3*) the interest due on any money that may have been raised by the Board under section 39 ;

(*4*) the cost, or such portion of the cost, of any new work, plant, vessel or appliance which the Board may determine to charge to revenue ;

(*5*) the interest payable by the Board under section 34 ;

[2][(*6*) the payment of pensions, gratuities and compassionate allowances granted by the Board to officers and servants of the Board injured, or to the surviving relatives of such officers and servants killed, in the execution of their duty ;]

[3][(*7*) the payment, in accordance with regulations sanctioned by [4][the Central Government], of gratuities granted by the Board to the widows or children of officers and servants of the Board who may die in the service of the Board :

Provided always that no charge which is debitable under section 50 to the pilotage account shall be debited to the general account.]

[5][Provided also that the Board shall have power and shall be deemed always to have had power at any time to apply, with the sanction of [4][the Central Government], the moneys credited to the general account in payment of any other charge not included in the foregoing clauses of this section.]

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[1] Clause (*1*) of section 49 was substituted for the original clause by Bom. 14 of 1927, s. 3 (*a*).

[2] Clause (*6*) was inserted by s. 13 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[3] Clause (*7*) was inserted by s. 6 of the Bombay Port Trust (Amendment) Act, 1917 (Bom. 4 of 1917).

[4] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] This proviso was added by Bom. 14 of 1927, s. 3 (*b*).

Pilotage fees how credited. Moneys credited to pilotage account how expended.

50. All fees for pilotage and all fines and penalties levied under this Act from pilots or other persons employed in the pilot service shall be credited to the pilotage account and shall be held by the Board in trust, and be applied, in such proportions as they shall from time to time direct, to the following purposes only (namely) :—

(*1*) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores or other things as the Board deem it necessary to maintain or supply for the efficiency of the pilot service ;

(*2*) the payment of the salaries and allowances of pilots and other officers and servants of the Board employed in the pilot service or in the supervision thereof ;

(*3*) the payment of pensions or retiring gratuities or compassionate allowances to pilots and other officers and servants engaged in the pilot service, and of the contributions, if any, duly authorized to be made in their behalf to any provident fund [1][or welfare fund ;]

[2][(*4*) the payment of pensions, gratuities and compassionate allowances granted by the Board to pilots and other officers and servants engaged in the pilot-service, who have been injured, and to the surviving relatives of pilots, officers and servants so engaged, who have been killed, in the execution of their duty ;]

[3][(*5*) the payment, in accordance with regulations sanctioned by [4][the Central Government], of gratuities granted by the Board to the widows or children of pilots and other officers and servants engaged in the pilot service who may die in the service of the Board ;]

[5][(*6*) the payment of contributions or appropriations to any special fund or funds established by the Board under the provisions of this Act to which the Board consider contributions or appropriations should be made from the pilotage account as well as or instead of from the general account.

Disposal of Balances.

Balances may be invested by Board in public securities.

51. The Board may invest any balance remaining on the 31st March of each year to the credit of either the general or pilotage account after meeting all the charges properly debitable to such account, in public securities, and may from time to time sell the said securities and re-invest the proceeds in other public securities, or credit the same to the account to which the balance invested belonged, for expenditure on any of the purposes to which the moneys credited to such account may lawfully be applied.

Amounts to be so invested to be limited by Central Government.

But the money so invested by the Board, whether in respect of the general account or of the pilotage account, shall not exceed such amount, annually or in the aggregate, as shall from time to time be prescribed by [4][the Central Government], and any surplus remaining after deducting the amounts which may be so invested shall be applied—

Surplus how disposed of.

(*a*) if such surplus belongs to the general account—in liquidation, on or before the 1st August next following 31st March on which such surplus accrued, of the

[1] The words "or welfare fund ;" were added by Bom. 14 of 1927, s. 4 (*a*).
[2] Clause (*4*) was inserted by s. 14 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).
[3] Clause (*5*) was inserted by s. 7 of the Bombay Port Trust (Amendment) Act, 1917 (Bom. 4 of 1917).
[4] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
[5] Clause (*6*) was inserted by Bom. 14 of 1927, s. 4 (*b*).

principal of any loan raised by the Board under section 39 or of the capital of any debt at any time due by the Board to the [1][Crown]; or of the money due to the holders of the securities issued by the Board under section 30; and

(*b*) if such surplus belongs to the pilotage account—in such manner as [2][the Central Government] shall direct:

Provided always that the pilots and other officers and servants employed in the pilot service shall have no claim upon any balance to the credit of the pilotage account or upon the profits or interest arising from any investment thereof, or of any portion thereof, except to such extent as payments to them, or in their behalf, may from time to time be sanctioned by the Board under clauses (2) and (3) of section 50.

Proviso as to claims of pilots, etc., on balance of pilotage account.

The interest and profits accruing and the loss, if any, arising from such investments as aforesaid shall be respectively credited and debited to the account to which the balance invested belongs.

Interest, etc., how credited and debited.

[3][**51A.** (*1*) For the purposes of any investment which the Board are authorized to make by this Act it shall be lawful for the Board to reserve and set apart any debentures or securities to be issued by them on account of any loan to which the consent of [2][the Central Government] has been given, provided that the intention to so reserve and set apart such debentures or securities shall have been notified as a condition to the issue of the loan.

Board may invest in their own debentures and securities.

(*2*) The issue of any such debentures or securities direct to and in the name of "The Trustees of the Port of Bombay" shall not operate to extinguish or cancel such debentures or securities, but every debenture or security so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(*3*) The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture or security issued by the Board shall not operate to extinguish or cancel any such debenture or security, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.

(*4*) All debentures or securities of the Board heretofore purchased by, issued, transferred or assigned to, or endorsed into the names of the Trustees of the Port of Bombay, or any person on their behalf, and all debentures and securities heretofore issued by way of renewal, consolidation or sub-division of any such debentures or securities, shall be and shall be deemed to have always been valid and negotiable in all respects and in the same manner and to the same extent as if held by, or issued, transferred, assigned or endorsed to any other person.]

Annual Estimates.

52. The Chairman shall, at a special meeting to be held in the month of February in each year, lay before the Board an estimate of the income and of the expenditure of the Board for the year commencing on the first day of April then next ensuing in such detail and form as the Board shall from time to time direct.

Chairman to submit annual estimate of income and expenditure.

Such estimate shall be completed and printed, and a copy thereof sent by post or otherwise to each trustee at least ten clear days prior to the meeting before which the estimate is to be laid.

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[1] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Central Government" were substituted for the word "Government", *ibid.*

[3] Section 51A was inserted by s. 15 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

Board to revise and sanction estimate.

53. The Board shall consider the estimate so submitted to them, and shall sanction the same either unaltered, or subject to such alterations as they shall think fit.

Estimate to be submitted to Central Government.

54. The estimate, as sanctioned by the Board, shall be submitted to [1][the Central Government], which may, if it thinks fit, at any time within one month after receipt of the same, disallow such estimate, or any portion thereof, and return the same for amendment. The Board shall, if the estimate is so returned by [2][the Central Government], forthwith proceed to amend the same, and shall re-submit the estimate so amended to [1][the Central Government].

Supplementary estimates may be made when necessary.

55. The Board may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared and submitted to them. Every such supplementary estimate shall be considered and sanctioned by the Board and submitted to [1][the Central Government] in the same manner as if it were an original annual estimate.

No expenditure above five thousand rupees to be incurred unless sanctioned in estimate.

56. Save in cases of pressing emergency, no sum exceeding five thousand rupees shall be expended by or on behalf of the Board, unless such sum is included in some estimate at the time in force which has been finally approved by [2][the Central Government.]

If any sum exceeding five thousand rupees in amount is so expended on a pressing emergency, the circumstances shall be forthwith reported by the Chairman to [1][the Central Government], together with an explanation of the way in which it is proposed by the Board to cover such extra expenditure.

57. [*Preparation and Acceptance of Estimate.*] *Rep. Bom. 1 of 1899.*

Audit of Accounts.

Accounts to be audited and examined.

58. The accounts of the receipts and expenditure of the Board shall, twice in every year, be laid before [2][the Central Government], and shall be audited and examined by such auditors as shall, from time to time, be appointed by [2][the Central Government.]

Auditors to have power to call for books, etc.

For the purposes of such audit and examination, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

Remuneration to be fixed by Central Government. Report to be published.

The auditors shall be paid by the Board such remuneration as [2][the Central Government] shall determine, the amount being debited to the general account; and, within fourteen days after the audit and examination shall have been completed, the auditors shall forward their report upon the accounts to the Board, who shall cause the same to be published, together with an abstract of the accounts, in the [3][Official Gazette.]

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[1] The words "the Central Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Central Government" were substituted for the word "Government", *ibid.*

[3] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

Fulfilment of Board's Liabilities.

59. It shall be incumbent on the Board to make ample provision year by year, either by retrenchment of expenditure or by increase of rates, for the due fulfilment of all their liabilities and for the efficient administration of this Act; and in the event of any deficiency being at any time anticipated in the income of the Board, they shall forthwith take such measures as shall seem most expedient for preventing such deficiency. Board bound to provide for fulfilment of liabilities.

60. If it shall at any time appear to the [1][the Central Government] that sufficient provision is not being made by the Board to meet their liabilities, or if default shall at any time be made by the Board in any payment of interest which they are required to make under section 34, the [1][Central Government] may require the Board, [2]* * * to increase, subject to [3][its] sanction and to the provisions of section 43, to such extent and for such period as shall appear necessary, the rates or any of the rates for the time being in force under the said section. In default Central Government may required Board to increase rates;

If within fifteen days after receipt of such order the Board do not comply with the same, the [4][Central Government] may, by notification in the [5][Official Gazette], increase the said rates or any of them, and such notification shall have the same force as if a new scale of rates to the same effect had been duly framed, sanctioned and published under section 43. and on Board's failing may itself increase them.

And for the purpose of realizing any interest which has not been paid by the Board when due, in accordance with section 34, the [4][Central Government] may, by an order published in the [5][Official Gazette], appoint some person to receive the rates, charges and other income which the Board may be entitled to receive, or any portion thereof, and to apply the same in discharge of the amount due and of all expenses authorized by [6][the Central Government] in respect of the appointment of such person and of the recovery by him of the said rates, charges and income: and the person so appointed shall have, for the recovery of the said rates, charges, or other income, all and singular the powers and authorities conferred by this Act on the Board for the same purpose. Central Government may also appoint receiver to recover portion of Board's income.

[7][**60A.** All moneys at the credit of the Board which cannot immediately be applied in the manner or to the purposes specified in this Act shall be deposited in such bank and subject to such conditions as may from time to time be prescribed by [6][the Central Government]: Provided that nothing in this section shall be deemed to prohibit an investment in public securities as defined in section 3 (*12*) or in such other securities as [6][the Central Government] may approve in this behalf; and the said securities shall be held in trust for the purposes of this Act by the Board.] How the balances of the Board may be employed.

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[1] The words "Central Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "by an order in writing signed by a Secretary to Government," were omitted, *ibid.*

[3] The word "its" was substituted for the word "his", *ibid.*

[4] The words "Central Government" were substituted for the words "Governor in Council", *ibid.*

[5] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

[6] The words "the Central Government" were substituted for the word "Government", *ibid.*

[7] Section 60A was inserted by s. 9 of the Bombay Port Trust (Amendment) Act, 1913 (Bom. 3 of 1913).

VII.—Of the Powers and Functions of the Board.

Recovery of Rates.

Recovery of rates in arrears.

61. For the amount of all rates leviable under this Act in respect of any goods the Board shall have a lien on such goods, and shall be entitled to seize and detain the same until such rates are fully paid. Rates in respect of goods to be landed shall become payable immediately on the landing of such goods. Rates in respect of goods to be removed from the premises of the Board or to be shipped for export shall be payable before such goods are removed or shipped. The lien for such rates shall have priority over all other liens and claims, except for general average, for the ship-owner's lien for freight upon the said goods (where such lien exists and has been preserved in the manner hereinafter provided), for primage and for money payable to Her Majesty. [1]* * * *

Board to take charge of goods landed.

[2][**61A.** (*1*) The Board shall, immediately upon the landing of any goods, take charge thereof, except as may be otherwise provided in the bye-laws, and store such as are liable in their opinion to suffer from exposure in any shed or warehouse belonging to the Board.

Goods not stored in licensed warehouses to remain at risk and expense of owner if not removed within seven days.

[3][(*2*) If any owner, without any default on the part of the Board, fails to remove any goods other than those stored in the warehouses appointed by the Board for the storage of duty paid goods or in warehouses appointed under section 15, or licensed under section 16 of the Sea Customs Act, 1878, from the premises of the Board within seven clear days from the date on which such goods shall have been landed, such goods shall remain on the premises of the Board at the sole risk and expense of the owner and the Board shall thereupon be discharged from all liability theretofore incurred by them in respect of such goods.]] VIII of 1878.

Lien for freight preserved after landing if notice be given.

62. If the master or owner of any vessel, or his agent, at or before the time of landing from such vessel any goods at any wharf, dock or pier in the possession of the Board, shall give to the Board notice, in writing, that such goods are to remain subject to a lien for freight or other charges payable to the ship-owner, to an amount to be mentioned in such notice, such goods shall continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof. Such goods shall be retained either in the warehouses and sheds of the Board, or, with the consent of the Chief Customs authority of the Presidency, in the public warehouses, at the risk and expense of the owners of the said goods until the lien is discharged as hereinafter mentioned.

Discharge of lien by payment or release.

63. Upon production to the proper officer of the Board of a document purporting to be a receipt for the amount claimed as due, or a release of freight from the person by or on whose behalf such notice shall have been given, it shall be lawful for the Board to permit such goods to be removed without regard to such lien, provided they shall have used reasonable care in respect to the authenticity of such document.

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[1] The words "or to the Secretary of State for India in Council" were omitted by the Adaptation of Indian Laws Order in Council.

[2] Section 61A was inserted by Bom. 17 of 1925, s. 2.

[3] Sub-section (2) was substituted for the original sub-section by Bom. 8 of 1926, s. 5.

64. If the rates payable to the Board in respect of any goods are not paid, or if the lien of the ship-owner for freight, when such notice as aforesaid, had been given, is not discharged, the Board may, and in the latter event, if required by or on behalf of the person claiming such lien for freight, shall, at the expiration of two months from the time when the goods were placed in their custody, or if the goods are of a perishable nature, at such earlier period (being not less than twenty-four hours after the landing of the goods) as they shall think fit, sell by public auction the said goods, or so much as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale. If rates not paid or lien for freight not discharged, goods may be sold after two months.

Before making such sale, ten days' notice of the same shall be given by publication thereof in the *Bombay Government Gazette*, unless the goods are of so perishable a nature as, in the opinion of the officer aforesaid, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits of.

If the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the Board, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address, or sent by post; but the title of a *bona fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

[1][64A. (*1*) Notwithstanding anything contained in this Act, where any goods placed in the custody of the Board upon the landing thereof are not removed by the owner or other person entitled thereto from the premises of the Board within one month from the date on which such goods were placed in their custody, the Board may, if the address of such owner or person is known, cause a notice to be served upon him by letter delivered at such address or sent by post requiring him to remove the goods forthwith and stating that in default of compliance therewith the goods are liable to be sold by public auction; Disposal of goods not removed from the premises of the Board within time limited.

Provided that, where all the rates and charges payable under this Act in respect of any such goods have been paid, no notice of removal shall be served under this section unless two months have expired from the date on which the goods were placed in the custody of the Board.

(*2*) If such owner or person is not known or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the Board may, at any time after the goods have become liable to be sold under sub-section (*1*), sell the goods by public auction after giving notice of the sale in the manner prescribed in paragraphs 2 and 3 of section 64.

(*3*) The Central Government may, by notification in the *Official Gazette*, exempt any goods or class of goods from the operation of this section.]

65. [2][In the case of any sale under section 64 or section 64A], the moneys received from the sale shall be applied as follows— Application of proceeds of sale.

firstly, in payment, according to their respective priorities, of the liens and claims excepted in section 61 from the priority of the lien of the Board for rates;

secondly, in payment of the expenses of the sale;

thirdly, in payment of the rates and expenses due to the Board in respect thereof.

The surplus, if any, shall be paid to the owner of the goods or his agent on his applying for the same, provided such application be made within one year from the sale of the goods, or good reason be shown why such application was not

[1] This section was inserted by Act 27 of 1949, s. 2.

[2] These words were substituted for the original, *ibid*, s. 3.

so made, to the satisfaction of the Board; and in case such application shall not be so made, nor reason shown, such surplus shall be applied by the Board to the purposes of this Act.

Power to distrain for non-payment of rates, etc.

66. If the master of any vessel in respect of which any rates, charges or penalties shall be payable under this Act, or any bye-laws made in pursuance hereof, shall refuse or neglect to pay the same or any part thereof, on demand, it shall be lawful for the Board to distrain or arrest, of their own authority, such vessel, and the tackle, apparel or furniture belonging thereto, or any part thereof, and detain the same until the amount so due shall be paid; and, in case any part of the said rates or penalties or of the costs of the distress or arrest, or of the keeping of the same, shall remain unpaid for the space of fifteen days next after any such distress or arrest shall have been so made, the Board may cause the vessel, or other thing so distrained or arrested, to be sold, and with the proceeds of such sale may satisfy such tolls, dues, rates, penalties or charges and costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

Port clearance not granted till rates, etc., are paid.

67. If the Board shall give to the [1][servant of the Crown] whose duty it is to grant the port-clearance of any vessel a notice stating that an amount therein specified is due in respect of rates, charges or penalties chargeable under this Act or any bye-laws or orders made in pursuance hereof, against such vessel, or the owner or master of such vessel, in respect thereof, such officer shall not grant such port-clearance until the amount so chargeable shall have been paid.

Alternative remedy by suit.

[2][**67A.** Notwithstanding anything contained in the seven sections last preceding and in section 85, the Board may recover by suit any tolls, dues, rents, rates, charges, damages, expenses, costs, or in case of sale the balance thereof, when the proceeds of sale are insufficient, or any penalties or fines payable to, or recoverable by, the Board under this Act or under any bye-laws made in pursuance thereof.]

Works.

Works to be executed under Act.

68. The works to be undertaken by the Board under this Act may include—

(*1*) wharves, docks and piers within the port or on the foreshore of he port, with all necessary and convenient arches, drains, fences, roads, railways and approaches;

(*2*) tramways, warehouses, sheds, engines and other appliances for conveying, receiving, and storing goods landed, or to be shipped, or otherwise;

(*3*) lighthouses, light-ships, beacons, pilot boats and other appliances necessary for the safe navigation of the port and of the approaches thereto within a distance of three miles from the limits of the port;

(*4*) laying down moorings, and the erection of cranes, scales and all means and appliances necessary for berthing loading and unloading vessels;

(*5*) reclaiming, excavating, enclosing and raising any part of the foreshore of the port vested in the Board, when such reclamation, excavation, enclosure or raising may be necessary for any of the purposes of this Act;

(*6*) the construction and application of dredges and other machines for cleaning, deepening and improving any portion of the port or foreshore aforesaid;

(*7*) the construction of such works, without the limits of the port, as shall be necessary for the protection of works executed by the Board within the port, and all such other works and appliances as may, in the opinion of the Board, be necessary for carrying out the purposes of this Act;

[1] The words "servant of the Crown" were substituted for the words "Officer of Government" by the Adaptation of Indian Laws Order in Council.

[2] Section 67A was inserted by s. 16 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[1][(*7A*) the construction upon any part of the property vesting in the Board and the equipment and maintenance of such buildings, including offices, quarters for officers and servants of the Board, waiting rooms and efreshment rooms, as may in the opinion of the Board be necessary for carrying out the purposes of this Act ;]

[2][(*8*) the extinguishing of fires on the property of the Board, and the equipment, maintenance and use of engines for that purpose ;]

[2][(*9*) the equipment of vessels, steam tugs or other boats and their use as well within the limits of the port as on the high seas beyond those limits, and whether in territorial waters or otherwise, for the purpose of towing or rendering assistance to any vessel, whether entering or leaving the port or bound elsewhere, and for the purpose of saving or protecting life or property ;]

[2][(*10*) the supply of water to shipping in the port, and the equipment, maintenance and use of boats and barges for that purpose ;]

[2][(*11*) the extinguishing of fires in the port, and the equipment, maintenance and use of engines for that purpose :]

Provided always that no new work, the estimated cost of which exceeds two thousand rupees, shall be commenced by the Board, nor shall any contract be entered into by the Board in respect of any such new work, until a plan and estimate of such work shall have been submitted to the Board and considered and approved by them ; nor shall any new work, the estimated cost of which exceeds two lakhs of rupees, be commenced until such plan and estimate shall have been submitted to and approved by [3][the Central Government.]

Procedure before commencement of new work.

[4][*Explanation.*—Waiting rooms in this section shall be deemed to include sleeping accommodation for passengers arriving or departing by sea and persons escorting or meeting such passengers.]

Regulation of use of Wharves, etc.

69. Nothing in this Act shall be deemed to affect—

(*a*) the right of [3][the Central Government] to collect customs-duties, or of the Municipal Corporation of the City of Bombay to collect town-duties, at any wharf, pier or dock in possession of the Board, or

(*b*) any power or authority vested in the Customs authorities of the Presidency under any law for the time being in force for the administration of sea-customs.

Saving of rights of Central Government to use wharves, etc., for collecting duties ; and of power of Customs officers.

70. Whenever any wharf, pier or dock in the possession of the Board shall be appointed, under the provisions of any Act for the time being in force for the administration of sea-customs, a wharf or place for the landing and shipping of goods within the meaning of such Act,

and whenever any warehouse, or portion of a warehouse, in the possession of the Board shall be appointed or licensed under the provisions of any such Act as a warehouse for the deposit of dutiable goods on the first importation thereof without payment of duty,

the Board shall set apart and maintain such place on or adjoining such wharf, dock or pier, or in such warehouse, or portion of a warehouse, for the use of the officers of Customs, as [3][the Central Government] shall in that behalf approve or appoint ;

Places to be set apart for use of Customs officers on wharves, etc.

[1] Clause (*7A*) was inserted by s. 3 (*1*) of the Bombay Port Trust (Amendment) Act, 1920 (Bom. 21 of 1920).

[2] Clauses (8) to (11) were inserted by s. 17 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[3] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] This explanation was added by s. 3 (2) of the Bombay Port Trust (Amendment) Act, 1920 (Bom. 21 of 1920).

but right of Board to levy rates not affected;

but all rates payable in respect of any wharf, pier or warehouse, or portion thereof so set apart, or for the storage of goods thereupon or therein, shall be paid to the Board or to such person or persons as they may appoint to receive the same, notwithstanding that the same has been so set apart;

surplus income derived from portion of Customs Bonded Warehouse used as public warehouse to be paid to Board.

and if any portion of the Customs Bonded Warehouse shall, with the consent of [1][the Central Government], be appointed a public warehouse for the deposit of dutiable goods as aforesaid, the Board shall set apart and maintain such portion thereof in good order for the said purpose; but the Chief Customs authority shall pay to the Board from time to time, as may be determined by [1][the Central Government], all surplus income derived from the use of such portion of the said Customs Bonded Warehouse as a public warehouse as aforesaid after payment of all charges and expenses of management.

Board to provide free landing-places.

71. The Board shall provide such number of public landing-places as shall, in the opinion of [1][the Central Government], be sufficient, from and upon which the public shall be permitted to embark and to land free of charge.

Control of Pilots.

Trustees vested with right and privilege of maintaining pilots.

72. The Board shall have the right and privilege of maintaining pilots for the navigation of vessels at the port, and all fees for pilotage shall be paid to the Board: provided that no person shall be appointed to be a pilot by the Board who is not for the time being authorized by [1][the Central Government], under the provisions of the [2]Indian Ports Act, 1875, to pilot vessels.

The Board may also, from time to time, make such bye-laws and regulations as they shall think fit—

(*a*) for fixing and regulating the wages and allowances for pilotage to be received by pilots, and

(*b*) for regulating the behaviour and conduct of pilots;

and shall enforce the observance of such bye-laws and regulations by the imposition of pecuniary penalties not exceeding two hundred rupees for each offence, or by suspension or deprivation of appointment, or otherwise, as to them may appear expedient: Provided that such bye-laws shall first have been approved by [1][the Central Government], and published in the manner directed by section 74.

Bye-laws.

Trustees empowered to make bye-laws.

73. The Board may, from time to time, make bye-laws—

(*a*) for the guidance of persons employed by them under this Act;

(*b*) for the safe and convenient use of the wharves, docks, piers, warehouses, tramways and other works constructed or acquired by them under this Act;

(*c*) for the use of the public landing-places constructed by or belonging to them;

(*d*) for the reception and removal of goods brought within the premises of the Board;

[1] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] *See* now the Indian Ports Act, 1908 (15 of 1908).

(*e*) for keeping clean the harbour and basins and the works of the Board, and for preventing filth or rubbish being thrown therein or thereon;

(*f*) for settling the mode of the payment of the rates and charges leviable under this Act;

(*g*) for regulating, declaring and defining the wharves, docks and piers vested in the Board on which goods shall be landed from, and shipped on board, vessels; *[1]

[2][(*h*) for fixing the maximum amount of fees payable under section 15; and]

[3](*i*) generally for carrying out the purposes of this Act.

The Board may also, from time to time, vary, alter or revoke any such bye-laws so made by them.

Approval and publication of bye-laws.

74. No bye-law, or alteration or revocation of a bye-law, shall have effect until the same shall have been approved by [4][the Central Government], and such approval shall have been published in the *Bombay Government Gazette*; and no bye-law or alteration or revocation of a bye-law shall be approved by [4][the Central Government] until the same shall have been published for three weeks successively in the said Gazette.

Cancelment by Central Government.

It shall be lawful for [4][the Central Government] at any time by notification in the said Gazette to cancel any bye-law or regulation made and published under the provisions of this and of the last two preceding sections.

Penalties for infringement of bye-laws.

75. The Board may, in the bye-laws made under section 73, prescribe such penalty as they shall deem fit for the infringement of the same: Provided that no penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after notice of such infringement shall have been given by the Board to the person guilty of such infringement.

Bye-laws and scales of rates and charges to be exhibited.

76. The Board shall cause the said bye-laws and the scales of rates and charges leviable by the Board to be printed in the English, Marathi and Gujarathi languages, to be hung up at the several wharves, docks and piers, and other convenient places on the premises of the Board.

Continuance of bye-laws framed under Bombay Act I of 1873.

77. Until bye-laws are framed by the Board under section 73, the bye-laws framed by the trustees appointed under the [5]Bombay Port Trust Act, 1873, under section 85 of that Act, and in force when this Act comes into operation, shall be deemed to have been framed under the said section 73 of this Act.

VIII.—PENALTIES.

For being interested in contracts with Board.

78. Any person who, being a trustee or an officer or servant of the Board shall acquire, directly or in directly, any share or interest in any contract or employment with, by or on behalf of the Board shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code:

XLV of 1860.

[6][Provided that nothing in this section shall apply to a person who is declared not to be disqualified, or to be deemed to have any share or interest in any contract or employment, by sub-section (*2*) of section 14.]

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[1] The word "and" was repealed by s. 18 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. I of 1899).

[2] Clause (*h*) was inserted, *ibid.*

[3] The lettering of this clause was altered, *ibid.*

[4] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The Bombay Port Trust Act, 1873 (Bom. I of 1873), is repealed by s. 2 of this Act.

[6] This proviso was substituted by s. 19 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. I of 1899).

For obtaining illegal gratification.

79. Any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code who shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever other than legal remuneration, as a reward for doing, or forbearing to do, any official act, or for showing, or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering, or attempting to render, any service or dis-service to any person with the Board or with any public servant as such, or with [1][any Government], shall be liable to the same punishment as is provided by the Indian Penal Code in the case of the like offence committed by a public servant. XLV of 1860. XLV of 1860.

For refusing or neglecting to appear before auditor, etc.

80. Any person who shall refuse or neglect to appear before any auditor of accounts, or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to make or sign any declaration when duly required so to do by any auditor of accounts under section 58, shall be punished for every such neglect or refusal with fine which may extend to one hundred rupees.

For setting up erection below high water mark in port.

81. Any person, other than the Board or the Conservator of the port, who shall, without first obtaining the written consent of [2][the Central Government] to his so doing, make, set up or fix, below high-water mark within the port, any wharf, quay, pier, mooring or other erection whatsoever, shall be punished with fine which may extend to one thousand rupees, and to a further fine which may extend to one hundred rupees for every day during which he shall permit such wharf, quay, pier, mooring or other erection to remain after notice to remove the same has been given to him.

Any such wharf, quay, pier, mooring or other erection may be removed by the Board, and the person who made, set up, or fixed the same shall also be liable to pay all expenses which may be incurred by the Board in the removal thereof.

For understating quantity or weight of goods, etc.

82. If it be found, when goods are imported at, or exported from, any wharf, dock or pier in the possession of the Board, that the weight or quantity of such goods, or the tonnage of any vessel carrying such goods, has been understated in any document presented to any officer of the Board for the purpose of enabling him to determine the rates or charges payable in respect of the said goods or vessel, the consignee in the case of goods imported, and the consignor in the case of goods exported, shall be liable to pay to the Board such sum not exceeding twice the proper rates or charges on the weight or quantity of goods or amount of tonnage so understated as may be determined by the Board, and the said sum shall on the application of the Board be recoverable under a Presidency Magistrate's warrant as if it were a fine inflicted by such Magistrate.

For evading rates, etc.

83. Any person who removes, or attempts to remove, or abets within the meaning of the Indian Penal Code the removal of, any goods, vessel, animal or vehicle with the intention of evading payment of the rates or charges lawfully due in respect thereof to the Board, shall be punished with fine which may extend to fifty rupees. XLV of 1860.

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[1] The words "any Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Central Government" were substituted for the word "Government", *ibid.*

84. If, through the negligence of any person having the guidance or command of any vessel, or of any of the mariners or persons employed on such vessel, damage shall be caused to any wharf, dock, pier or other work in the possession of the Board, the amount of such damage shall, on the application of the Board, be recoverable, together with the cost of such recovery, by distress and sale, under a Presidency Magistrate's warrant, ~~of a sufficient portion~~ of the boats, masts, spars, ropes, cables, anchors or stores belonging to such vessel. Recovery of value of damage to property of Board.

Provided that no such warrant shall issue until the master of such vessel has been duly summoned to appear, or if he appears, until he has been heard; and

Provided also that no such warrant shall issue if the vessel was at the time under the orders of a duly authorized [1][Dock Master or] officer in the pilot-service of the port [2]* * * [3][unless the damage caused is in no way attributable to the order, act, or improper omission of such Dock Master or officer].

85. Except as is otherwise provided in section 82, all offences against this Act or against any bye-law made under section 73 shall be cognizable by a Presidency Magistrate. Cognizance of offences.

All [4]* * damages recovered from any offender or by any distress under section 84, shall be paid to the Board.

IX.—Miscellaneous.

86. Whenever any day by this Act appointed for any purpose shall happen to be a Sunday or a public holiday, the business appointed to be done on such day shall be done on the day next after such Sunday or public holiday. Provision when day appointed for any purpose falls on Sunday or holiday.

87. No suit or other proceeding shall be commenced against any person for any thing done, or purporting to have been done, in pursuance of this Act, without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding. Limitation of suits, etc.

The Board shall not be responsible for any misfeasance, malfeasance or non-feasance of any officer or servant appointed under this Act;

nor, if they should be appointed by [5][the Central Government], under the Indian Ports Act, 1875,[6] Conservators of the port for any misfeasance, malfeasance or non-feasance of any Deputy Conservator, Master-attendant or Harbour-master, or of any assistant or deputy of any such officer, or of any person acting under the authority or direction of or in subordination to any such officer, assistant or deputy;

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Board which may be used by such vessel;

nor shall the Board, or any of the said officers or servants, be liable in damages for any act *bona fide* done, or ordered to be done, by them in pursuance of this Act.

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[1] These words were inserted by s. 20 of the Bombay Port Trust (Amendment) Act, 1899 (Bom. 1 of 1899).

[2] The words "or of the Master Attendant's Department" were repealed, *ibid.*

[3] These words were inserted, *ibid.*

[4] The words "fines and" were omitted by the Adaptation of Indian Laws Order in Council.

[5] The words "the Central Government" were substituted for the word "Government", *ibid.*

[6] *See* now the Indian Port Trust Act, 1908 (15 of 1908).

SCHEDULE A.

Properties referred to in section 29.

No.	Names of Holders.	General Description of Properties.
1	The Sassoon Dock Company ...	All the property at Kolaba belonging to the Sassoon Dock Company, known as the Sassoon Dock, together with the land on the west of Kolaba road appertaining thereto, and all rights, privileges and powers enjoyed or claimed by the Sassoon Dock Company in connection therewith.
2	The New Kolaba Company ...	A strip of land varying from 25 to 50 feet or thereabouts in width, running along the whole foreshore of the estate of the New Kolaba Company, situated at Kolaba commencing from the Kolaba road at the point where the properties of the New Kolaba Company and the Sassoon Dock Company adjoin, and thence continuing alongside the Bandar-wall of the Victoria Basin and the Harbour-face up to the junction of the New Kolaba Company's property with the Gun-carriage Reclamation; again, commencing at the junction of the New Kolaba Company's property and the property of the Apollo Press Company and running along the Harbour-face and alongside the Arthur Basin up to the Kolaba road; together with the whole of the Arthur Bandar and the ground adjacent thereto, situate within Customs limits, together with all rights and privileges enjoyed or claimed by the New Kolaba Company in respect of the strip of land, Bandar and ground aforesaid and of the Victoria and Arthur Basins.
3	The Apollo Press Company ...	All the land at Kolaba, the property of the Apollo Press Company, and known as the Jamsetji Bandar and Reclamation, including all rights and privileges enjoyed or claimed by the Apollo Press Company in respect of the said land and of the Gun-carriage Basin, together with all rights and privileges enjoyed or claimed by the Apollo Press Company at or in respect of any of the Bandars belonging to the New Kolaba Company.
4	The Mazgaon Land Company ...	All the land at Mazgaon known as the Powder-works Bandar, the property of the Mazgaon Land Company, lying between the Harbour and the western side of the road running from the Harbour Defences Office to Tank Bandar; together with all rights and privileges enjoyed or claimed by the Mazgaon Land Company in respect of the said land.
5	The Frere Land Company ...	All the land north of Tank Bandar, the property of the Frere Land Company, bounded towards the west by the Ghorupdevi road and towards the north and west by the Jackaria Bandar road, together with all rights and privileges enjoyed or claimed by the Frere Land Company in respect of the said land.

No.	Names of Holders.	General Description of Properties.
6	Hajee Ismail Hajee Hubeeb ...	All the land and fish-ponds bounded by the Harbour on the east and by the Jackaria Bandar road and the Siwri road on the west and north, by the property of the Frere Land Company on the south and by the property of the trustees of the port on the north, known as Siwri Bandar, together with all rights and privileges enjoyed or claimed in respect of the said land by the respective holders thereof.
7	Hajee Jackaria Nur Mahomed ...	
8	Maneckjee Adurjee ...	
9	Aitwar Lukdee ...	
10	Muncherjee Framjee Cama ...	
11	Dadabhoy Hormusjee ...	
12	Hajee Essa Hajee Fusla ...	
13	Dorabjee Nusservanjee ...	
14	Byramjee Cawasjee ...	
15	Esmail Mahomed Songaji ...	

SCHEDULE B.

(*See section 30.*)

Form of Security.

The TRUSTEES of the PORT of BOMBAY.

No.

Under the provisions of the Bombay Port Trust Act, 1879, we, the Trustees of the Port of Bombay, do hereby for ourselves and our successors promise and agree to pay to , or order, the sum of rupees , value received; such payment to be made on demand at the office of the Accountant General, Bombay, after the expiration of three months' notice of payment to be given by the Chairman of the said Trustees in the *Bombay Government Gazette*. We further promise and agree for ourselves and our successors to pay to the said , or order, interest on the said sum of rupees , from the day until the expiration of three months after such notice of payment as aforesaid; such interest to be at the rate of four per centum per annum and to be payable on demand at the office aforesaid half-yearly on the first day of April and the first day of October in every year until the expiration of three months from the date of such notice of payment as aforesaid, when the amount of interest then due hereunder will be payable with the principal on demand at the office aforesaid and (such notice being considered as equivalent to a tender of payment at the period appointed for the discharge hereof) all further interest shall cease.

Given under our common seal this day of 187

(*Signatures of the Chairman and two Trustees.*)

Seal.

of the Corporation.

SCHEDULE C.

(See section 33.)

STATEMENT OF CAPITAL DEBTS OF THE BOARD DUE TO THE [1]CROWN.

On account of what Property, etc.	Bearing interest.	Not bearing interest.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
Elphinstone Estate, purchase price.	1,85,91,596 12 8	.....	
Elphinstone Estate, expended in 11 months to 31st March 1871.	7,47,370 2 10	.....	
Elphinstone Estate, expended in 12 months to 31st March 1872.	2,75,090 8 6	.....	
Elphinstone Estate, Troop Siding, Carnac Bandar.	39,790 3 2	.....	
			1,96,53,847 11 2
Moody Bay Reclamation (portion east of Frere Road) expended in year to 31st March 1871.	3,57,596 8 8	.....	
Moody Bay Reclamation (portion east of Frere Road) expended in year to 31st March 1872.	2,01,345 6 4	.....	
			5,58,941 15 0
Apollo Bay Reclamation, expended in year to 31st March 1872.	9,752 11 11	.....	9,752 11 11
Wellington Reclamation, expended in year to 31st March 1872.	934 12 8	.....	934 12 8
Apollo Pier, expended prior to 31st March 1870.	.....	2,23,038 12 2	
Apollo Pier, expended in year to 31st March 1871.	1,38,173 7 8	.....	
Apollo Pier, expended in year to 31st March 1872.	61,825 9 2	.....	
			4,23,037 13 0

[1] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

On account of what Property, etc.	Bearing interest.	Not bearing interest.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
Tank Bandar, expended in year to 31st March 1871.	182 0 0	.....	182 0 0
Customs Bonded Ware-house. } Apollo Bonded Ware-house.	.....	5,50,000 0 0	
Customs Bonded Ware-house. } Custom-house Godown.	.....	25,165 0 0	5,75,165 0 0
Kussara Bandar ...	.....	5,285 0 0	5,285 0 0
Saw Mill Property, Tank Bandar.	.....	41,189 14 4	41,189 14 4
Expended on the above properties between 31st March 1872 and the passing of Bombay Act I of 1873.	1,45,053 5 4	.....	1,45,053 5 4
Balance of interest unpaid at 31st March 1871.	2,75,273 4 7		
Balance of interest unpaid at 31st March 1872.	1,50,233 3 2	.....	6,02,042 10 0
Balance of interest unpaid for the period from 1st April 1872, until the date on which Bombay Act I of 1873 came into operation.	1,76,536 2 3		
TOTAL ...	2,11,70,754 2 11	8,44,678 10 0	2,20,15,432 13 5

SCHEDULE D.

(*See section 42.*)

FORM OF DEBENTURE.

THE TRUSTEES OF THE PORT OF BOMBAY.

The *18* .

No.

By virtue of the Act No. of 1879 of the Council of the Governor of Bombay for making Laws and Regulations, entitled the Bombay Port Trust Act, 1879, we, the Trustees of the Port of Bombay, in consideration of the sum of rupees paid to us by *A.B.*, of , promise to pay to the said , or order, the said sum of rupees after the date hereto, together with interest at the rate of per centum per annum, payable half-yearly on the day of and the day of .

Given under our Corporate seal this day of 187 .

Seal.

(*Signatures of the Chairman and two Trustees.*)

of the Corporation.

THE BOMBAY IRRIGATION ACT, 1879.

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PART III.

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Entry for inquiry.

7. Whenever it shall be necessary to make any inquiry or examination in connection with a projected canal, or with the maintenance of an existing canal, any Canal-officer duly empowered in this behalf, and any person acting under the general or special order of any such Canal-officer, may—

(*a*) enter upon such land as he may think necessary for the purpose, and

(*b*) exercise all powers and do all things in respect of such land as he might exercise and do if [1][the Provincial Government] had issued a notification under the provisions of section 4 of the [2]Land Acquisition Act, 1870, to the effect that land in that locality is likely to be needed for a public purpose, and

(*c*) set up and maintain water-gauges and do all other things necessary for the prosecution of such inquiry and examination.

Power to inspect and regulate water-supply.

8. Any Canal-officer duly empowered in this behalf, and any person acting under the general or special order of any such Canal-officer, may enter upon any land, building or water-course, on account of which any water-rate is chargeable, for the purpose of inspecting or regulating the use of the water supplied, or of measuring the land irrigated thereby or chargeable with a water-rate, and of doing all things necessary for the proper regulation and management of the canal from which such water is supplied.

Power to enter for repairs, and to prevent accidents.

9. In case of any accident being apprehended or happening to a canal, any Canal-officer duly empowered in this behalf, and any person acting under the general or special order of any such Canal-officer, may enter upon any land adjacent to such canal, and may take trees and other materials, and execute all works which may be necessary for the purpose of preventing such accident or repairing any damage done.

Notice to occupier of building, etc.

10. When a Canal-officer or other person proposes, under the provisions of any of the three last preceding sections, to enter into any building or enclosed court or garden attached to a dwelling-house, not supplied with water from a canal, and not adjacent to a flood-embankment, he shall previously give to the occupier of such building, court or garden such reasonable notice as the urgency of the case may allow.

Canal Crossings.

Means of crossing canals to be provided and obstruction to drainage to be avoided.

11. Suitable means of crossing canals shall be provided at such places as the [3][Provincial Government] [4][or any Commissioner if empowered by [5][the Provincial Government] in this behalf] thinks necessary for the reasonable convenience of the inhabitants of the adjacent land; and suitable bridges, culverts or other works shall be constructed to prevent the drainage of the adjacent land being obstructed by any canal.

Removal of Obstructions to Drainage.

Provincial Government may prohibit formation of obstructions of rivers, etc., within certain limits.

12. Whenever it appears to the [3][Provincial Government] that injury to the public health, or public convenience, or to any canal or to any land for which irrigation from a canal is available, has arisen or may arise from the obstruction of any river, stream or natural drainage-course, the [3][Provincial Government] may, by notification

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] *See* now the Land Acquisition Act, 1894 (1 of 1894).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] These words were inserted by s. 2, Sch. I, Pt. II, Serial No. 11 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

published in the [1][Official Gazette], prohibit, within limits to be defined in such notification, the formation of any such obstruction, or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream or natural drainage channel, as is comprised within such limits, shall be held to be a drainage work as defined in section 3.

13. Any Canal-officer duly empowered in this behalf may, after such publication, issue an order to any person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in such order.

Canal-officer may issue order to person causing obstruction.

14. If, within the time so fixed, such person does not comply with the order, the Canal-officer may cause the obstruction to be removed or modified; and if the person to whom the order was issued does not, when called upon, pay the expenses of such removal or modification, such expenses shall be recoverable by the Collector as an arrear of land-revenue.

Canal-officer may cause obstruction to be removed.

Construction of Drainage-works.

15. Whenever it appears to the [2][Provincial Government] that any drainage-work is necessary for the public health or for the improvement of the proper cultivation or irrigation of any land, or that protection from floods or other accumulations of water, or from erosion by a river, is required for any land, the [2][Provincial Government] may cause a scheme for such work to be drawn up and carried into execution,

When drainage-works are necessary, Provincial Government may order scheme to be carried out.

and the person authorized by the [2][Provincial Government] to draw up and execute such scheme may exercise in connection therewith the powers conferred on Canal-officers by sections 7, 8 and 9, and shall be liable to the obligations imposed upon Canal-officers by sections 10 and 34.

PART III.

OF WATER-COURSES.

Construction of new Water-courses.

16. Any person may, with the permission of a Canal-officer duly empowered to grant such permission, construct a new water-course if he has obtained the consent of the holder of the land required therefor.

Construction of new water-courses by private arrangement.

17. Any person desiring to construct a new water-course, but being unable or unwilling to construct it under a private arrangement with the holder of the land required for the same, may apply, in writing to any Canal-officer duly empowered to receive such applications, stating—

Application for construction by Canal-officer of new water-course.

(*1*) that he is ready to defray all the expenses necessary for acquiring the land and constructing such water-course;

(*2*) that he desires the said Canal-officer in his behalf and at his cost to do all things necessary for constructing such water-course.

[1] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

Procedure when Canal-officer considers construction of water-course expedient.

18. If the Canal-officer considers the construction of such water-course expedient, he may call upon the applicant to deposit any part of the expense such officer may consider necessary,

and upon such deposit being made, shall cause inquiry to be made into the most suitable alignment for the said water-course,

and shall mark out the land which, in his opinion, it will be necessary to occupy for the construction thereof,

and shall forthwith publish a notification in every village through which the water-course is proposed to be taken, that so much of such land as is situated within such village has been so marked out,

and shall send a copy of such notification to the Collector of every district in which such land is situated, for publication on such land.

Application by person wishing to be joint owner.

The said notification shall also call upon any person who wishes to share in the ownership of such water-course to make his application in that respect to the Canal-officer within thirty days of the publication of such notification.

If application admitted, applicant liable for share of cost.

If any such applicant appears, and his application is admitted, he shall be liable to pay his share in the construction of such water-course, and in the cost of acquiring the land for the same, and shall be an owner of such water-course when constructed.

Collector to acquire land.

19. On receipt of copy of such notification, the Collector shall proceed to acquire such land under the provisions of the [1]Land Acquisition Act, 1870, as if a declaration had been issued by [2][the Provincial Government] for the acquisition thereof under section 6 of that Act, and as if [2][the Provincial Government] had thereupon directed the Collector to take order for the acquisition of such land under section 7 of the said Act, and (if necessary) as if [2][the Provincial Government] had issued orders for summary possession being taken under section 17 of the said Act.

Procedure after construction of water-course.

20. On being put in possession of the land, the Canal-officer shall construct the required water-course; and on its completion shall give to the owner notice thereof, and of any sum payable by him on account of the cost of acquiring the land and constructing the water-course. On such notice being given, such sum shall be due from the owner to the Canal-officer. On receipt of payment in full of all expenses incurred, the Canal-officer shall make over possession of such water-course to such owner.

Rights and Obligations of owners of Water-courses.

Obligations of owner of water-courses.

21. Every owner of a water-course shall be bound—

(*a*) to construct and maintain all works necessary for the passage across such water-course, of canals, water-courses, drainage-channels and public roads existing at the time of its construction, and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the occupants of neighbouring lands;

(*b*) to maintain such water-course in a fit state of repair for the conveyance of water;

(*c*) to allow the use of it to others or to admit other persons as joint owners thereof on such terms as may be prescribed under the provisions of section 23;

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[1] *See* now the Land Acquisition Act, 1894 (I of 1894).

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

and every owner of a water-course and every person duly authorized under the provisions hereinafter contained to use a water-course shall be entitled— Rights of owners and users of water-courses.

(*d*) to have a supply of water by such water-course, at such rates and on such terms, as may from time to time be prescribed under section 44 and by the rules made by the [1][Provincial Government] under section 70 :

Provided always that any owner of a water-course and, subject to the terms of any agreement between the parties, or to any condition imposed under section 23, any such person as aforesaid may at any time, by giving three months' previous notice in writing in this behalf to a Canal-officer duly empowered to receive such notices, resign his interest in such water-course.

22. Any person desiring to have a supply of water through a water-course of which he is not an owner may make a private arrangement with the owner for permitting the conveyance of water thereby, or may apply to a Canal-officer duly empowered to receive such applications for authority to use such water-course or to be declared a joint owner thereof. Arrangement with owner by other person.

23. On receipt of any such application, the Canal-officer shall serve notice on the owner to show cause why such authority should not be granted, or such declaration should not be made, and, if no objection be raised, or if any objection be raised and be found insufficient or invalid, shall, subject to the approval of the Collector, either authorize the applicant to use the water-course, or declare him to be a joint owner thereof on such conditions as to the payment of compensation or rent or otherwise as may appear to him equitable. Canal-officer after inquiry may authorize supply or declare applicant to be joint owner.

24. No land acquired under this Part for a water-course [2][and no land occupied by a water-course constructed under section 92], shall be used for any other purpose without the previous consent of a Canal-officer duly empowered to grant such permission. Use of land acquired for water-course for other purpose.

25. If any owner of a water-course fails to fulfil any obligation imposed upon him by clause (*a*) or (*b*) of section 21, any Canal-officer duly empowered in this behalf may require him by notice to execute the necessary work or repair within a period, to be prescribed in such notice, of not less than fifteen days, and, in the event of failure, may execute the same on his behalf, and, except as hereinafter provided in this section, all expenses incurred in the execution of such work or repair shall be a sum due by such owner to [3][the Provincial Government]. If owner fails to execute work or to repair water-course, Canal-officer may execute same.

Every person other than an owner who uses any water-course in respect of which any repair has been executed by a Canal-officer under this section shall, in the absence of any agreement between the parties or of any condition imposed under section 23 at the time such person was authorized to use such water-course to the contrary, be liable to pay to [3][the Provincial Government] such proportion of the expenses incurred in the execution of such repairs as shall be determined by the said Canal-officer. Persons using water-course to pay share of expenses of repair.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words and figures "and no land occupied by a water-course constructed under section 92" were inserted by Bom. 14 of 1931, s 2.

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Settlement of Disputes concerning Water-courses.

Settlement of disputes as to mutual rights and liabilities of persons interested in water-course.

26. Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction or maintenance of a water-course, or among joint owners of a water-course, as to their respective shares of the expense of constructing or maintaining such water-course, or as to the amounts severally contributed by them towards such expense, or as to failure on the part of any owner to contribute his share,

any person interested in the matter of such dispute may apply, in writing, to any Canal-officer duly empowered to receive such applications, stating the matter in dispute.

Such officer shall thereupon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to inquire into the said matter,

and if all the persons interested consent, in writing, to his being arbitrator, he may pass his order thereon ;

failing such consent, he shall transfer the matter to the Collector, who shall inquire into and pass his order thereon.

Any order passed by the Collector under this section shall remain in force until set aside by a decree of a Civil Court.

PART IV.

OF THE SUPPLY OF WATER.

Applications for Supply.

Water to be supplied on written application,

27. Every person desiring to have a supply of water from a canal shall submit a written application to that effect to a Canal-officer duly empowered to receive such applications, in such form as shall from time to time be prescribed by [1][the Provincial Government] in this behalf.

and water may be supplied for purposes other than those of irrigation.

If the application be for a supply of water to be used for purposes other than those of irrigation, the Canal-officer may, with the sanction of [1][the Provincial Government], give permission for water to be taken for such purposes under such special conditions and restrictions as to the limitation, control and measurement of the supply as he shall be empowered by [1][the Provincial Government] to impose in each case.

Provisions as to Supply.

Power to stop water-supply.

28. The supply of water to any water-course or to any person who is entitled to such supply shall not be stopped except—

(*a*) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority ;

(*b*) whenever and so long as any water-course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom ;

(*c*) whenever and so long as it is necessary to do so in order to supply in rotation the legitimate demands of other persons entitled to water ;

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*d*) whenever and so long as it may be necessary to do so in order to prevent the wastage or misuse of water ;

(*e*) within periods fixed from time to time by a Canal-officer duly empowered in this behalf, of which due notice shall be given ;

[1](*f*) whenever and so long as it is necessary to stop such supply pending a change in the source thereof by a Canal-officer under section 91.

29. When canal-water is supplied for the irrigation of one or more crops only, the permission to use such water shall be held to continue only until such crop or crops shall come to maturity, and to apply only to such crop or crops. Duration of supply.

30. Every agreement for the supply of canal-water to any land, building or other immovable property shall be transferable therewith, and shall be presumed to have been so transfered whenever a transfer of such land, building or other immovable property takes place. Agreements for supply of water transferable with property in respect of which supply given ;

No person entitled to the use of any work or land appertaining to any canal, and, except in the case of any such agreement as aforesaid, no person entitled to use the water of any canal, shall sell or sub-let, or otherwise transfer, his right to such use without the permission of a Canal-officer duly empowered to grant such permission. right to use of water not transferable in other case without permission of Canal-officer.

PART V.

Of the Award of Compensation.

Compensation when claimable.

31. Compensation may be awarded in respect of any substantial damage caused by the exercise of any of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation : Compensation in cases of ascertainable substantial damage.

Provided that no compensation shall be so awarded in respect of any damage arising from— Exceptions.

(*a*) deterioration of climate, or

(*b*) stoppage of navigation, or the means of rafting timber or of watering cattle, or

(*c*) stoppage or diminution of any supply of water in consequence of the exercise of the power conferred by section 5, if no use have been made of such supply within the five years next before the date of the issue of the notification under section 37, or

(*d*) failure or stoppage of the water in a canal, when such failure or stoppage is due to—

(*1*) any cause beyond the control of [2][the Provincial Government],

(*2*) the execution of any repairs, alterations or additions to the canal, or

(*3*) any measures considered necessary by any Canal-officer duly empowered in this behalf for regulating the proper flow of water in the canal, or for maintaining the established course of irrigation ;

[1] Clause (*f*) was inserted by Bom. 14 of 1931, s. 3.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Remission of water-rates when allowable.

but any person who suffers loss from any stoppage or diminution of his water-supply due to any of the causes named in clause (*d*) of this section shall be entitled to such remission of the water-rate payable by him as may be authorized by the [1][Provincial Government].

Limitation of claims.

32. No claim for compensation under this Act shall be entertained after the expiration of twelve months from the time when the damage complained of commenced, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

33. [*Compensation not claimable in respect of works executed prior to Act.*] *Rep. Act XVI of 1895.*

Summary Decisions.

Compensation for damage caused by entry on land, etc.

34. In every case of entry upon any land or building under section 6, section 7, section 8, or section 9, the Canal-officer or person making the entry shall ascertain and record the extent of the damage, if any, caused by the entry, or in the execution of any work, to any crop, tree, building or other property,

and within one month from the date of such entry compensation shall be tendered by a Canal-officer duly empowered in this behalf to the landholder or owner of the property damaged.

If such tender is not accepted, the Canal-officer shall forthwith refer the matter to the Collector for the purpose of making inquiry as to the amount of compensation and deciding the same.

Compensation on account of interruption of water-supply.

35. If the supply of water to any land irrigated from a canal be interrupted otherwise than in the manner described in clause (*d*) of section 31, the holder of such land may present a petition for compensation to the Collector for any loss arising from such interruption, and the Collector, after consulting the Canal-officer, shall award to the petitioner reasonable compensation for such loss.

Decision as to amount of compensation under either of last two sections conclusive.

36. The decision of the Collector under either of the last two preceding sections as to the amount of compensation to be awarded, or, if in any rule framed under section 70, such decision shall be declared to be appealable, then the decision of the authority to whom the appeal lies, shall be conclusive.

Formal Adjudications.

Notice as to claims for compensation in certain cases.

37. As soon as practicable after the issue of a notification under section 5, the Collector shall cause public notice to be given at convenient places, stating that [2][the Provincial Government] intend to apply or use the water as aforesaid, and that claims for compensation may be made before him.

A copy of sections 31 and 32 shall be annexed to every such notice.

Claims to be preferred to Collector.

38. All claims for compensation under this Act, other than claims of the nature provided for in sections 34 and 35, must be made before the Collector of the district in which such claim arises.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the words "the Government", *ibid.*

39. The Collector shall inquire into every such claim and determine the amount of compensation, if any, which should in his opinion be given to the claimant; and sections 11, 12, 14, 15, 18 to 23 (inclusive), 26 to 40 (inclusive), 51 and 58 of the [1]Land Acquisition Act, 1870, shall apply to such inquiries: Collector to be guided by provisions of Land Acquisition Act, 1870.

Provided that instead of the last clause of the said section 26, the following shall be read :—

"The provisions of this section and of sections 31 and 40 of the Bombay Irrigation Act, 1879, shall be read to every assessor in a language which he understands before he gives his opinion as to the amount of compensation to be awarded."

40. In determining the amount of compensation under the last preceding section, regard shall be had to the diminution in the market-value, at the time of awarding compensation, of the property in respect of which compensation is claimed; Diminution in market-value to be considered in fixing compensation.

and, where such market-value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Act.

41. All sums of money payable for compensation awarded under section 39, shall become due three months after the claim for such compensation was made; Compensation when due.

and simple interest at the rate of six per centum per annum shall be allowed on any such sum remaining unpaid after the said three months, except when the non-payment of such sum is caused by the neglect or refusal of the claimant to apply for or receive the same. Interest.

Abatements of Land-revenue and Rent.

42. If compensation is awarded under section 39 on account of a stoppage or diminution of supply of water to any land paying revenue to [2][the Provincial Government], and the amount of the revenue payable on account of such land has been fixed with reference to the water-advantages appertaining thereto, the holder of the said land shall be entitled to an abatement of the amount of revenue payable to such extent as shall be determined by the Collector. Abatement of revenue-demand on interruption of water-supply.

43. Every inferior holder of any land in respect of which such compensation has been paid shall, if he receives no part of the said compensation, be entitled to an abatement of the rent previously payable by him to the superior holder thereof in proportion to the reduced value of the holding; Abatement of inferior holder's rent on interruption of water-supply.

but, if a water-supply which increases the value of the holding is afterwards restored to the said land otherwise than at the cost of the inferior holder, the superior holder shall be entitled to enhance the rent in proportion to such increased value: Provided that the enhanced rent shall not in any case exceed the rent payable by the inferior holder before the abatement, unless the superior holder shall, independently of the provisions of this section, be entitled so to enhance the previous rent. Enhancement of inferior holder's rent on restoration of water-supply.

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[1] *See* now the Land Acquisition Act, 1894 (1 of 1894).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

PART VI.

OF WATER-RATES.

Supply Rates.

Determination of rates for supply of canal-water.

44. Such rates shall be leviable for canal-water supplied for purposes of irrigation, or for any other purpose, as shall from time to time be determined by the [1][Provincial Government].

Provision for cases in which existing water-supply is improved.

If, owing to the construction of a new canal or to the improvement or extension of an existing canal, the amount or duration of any water-supply, in respect of which either no revenue or a fixed amount of revenue has hitherto been paid to [2][the Provincial Government], is increased, rates shall be leviable under this section in respect of the increased water-supply only.

The said rates shall be payable by the person on whose application the supply was granted, or by any person who uses the water so supplied.

Occasional Rates.

Liability when person using water unauthorizedly cannot be identified.

45. If water supplied through a water-course be used in an unauthorized manner, and if the person by whose act or neglect such use has occurred cannot be identified the person or all the persons on whose land such water has flowed, f such land has derived benefit therefrom,

or, if no land has derived benefit therefrom, the person, or all the persons chargeable in respect of the water supplied through such water-course,

shall be liable, or jointly liable, as the case may be, for the charges which shall be made for such use under the rules prescribed by the [1][Provincial Government] under section 70.

Liability when water runs to waste.

46. If water supplied through a water-course be suffered to run to waste, and if, after inquiry, the person through whose act or neglect such water was suffered to run to waste cannot be discovered,

the person or all the persons chargeable in respect of the water supplied through such water-course shall be liable, or jointly liable, as the case may be, for the charges which shall be made in respect of the water so wasted, under the rule prescribed by the [1][Provincial Government] under section 70.

All questions arising under this and the last preceding section shall, subject to the provisions of section 67, be decided by a Canal-officer duly empowered in this behalf.

Charges recoverable in addition to penalties.

47. All charges for the unauthorized use or for waste of water may be recovered, as water-rates, in addition to any penalties incurred on account of such use or waste.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

Percolation and Leakage-rates.

48. If it shall appear to a Canal-officer duly empowered to enforce the provisions of this section, that any cultivated land within two hundred yards of any canal receives, by percolation or leakage from such canal, an advantage equivalent to that which would be given by a direct supply of canal-water for irrigation, Land deriving benefit from percolation liable to water-rate.

or that any cultivated land, wherever situate, derives by a surface-flow, or by means of a well sunk within two hundred yards of any canal after the admission of water into such canal, a supply of water which has percolated or leaked from such canal,

he may charge on such land a water-rate not exceeding that which would ordinarily have been charged for a similar direct supply to land similarly cultivated.

For the purposes of this Act, land charged under this section shall be deemed to be land irrigated from a canal.

49 to 56. [*Protection-rate.*] *Rep. Bom. III of 1880.*

Recovery of Water-rates and other Dues in Arrears.

[1][**57.** (*1*) Every water rate leviable or charged under this Act shall be payable in such instalments and on such dates and to such officers as shall from time to time be determined under the orders of the Provincial Government or of any Commissioner empowered by the Provincial Government in this behalf. Payment and recovery of water rate and other dues.

(*2*) Any such rate or the instalment thereof which is not paid on the date when it becomes due shall be deemed an arrear of land revenue due on account of the land for the use of which canal water was supplied or which was benefited by percolation or leakage from any canal and shall be recoverable as such arrear by any of the methods specified in section 150 of the Bombay Land Revenue Code, 1879, including the forfeiture of the said land. Bom. V of 1879.

(*3*) Any rent payable to the owner of a water-course by a person authorized to use such water-course may be paid in such instalments and on such dates as the Canal officer duly empowered to act under section 23 shall direct and no more of such rent shall at any time be payable to the owner thereof than is actually recovered from the person liable to pay.

(*4*) (*a*) Any other sum due to the Provincial Government or to a Canal-officer under the provisions of this Act whether on behalf of the Provincial Government or any other person under Part III of this Act which is not paid when demanded shall, and

(*b*) any rent or instalment thereof payable to the owner of a water-course, which is not paid when it becomes due may, on behalf of the owner,

be recoverable as arrears of land revenue in accordance with the provisions of the Bombay Land Revenue Code, 1879.] Bom. V of 1879.

[1] Section 57 was substituted by Bom. 64 of 1948, s. 2.

PART VII.

Of obtaining Labour for Canals on Emergencies.

Procedure for obtaining labour for works or repairs urgently required.

58. Whenever it appears to a Canal-officer duly empowered to act under this section, that unless some work or repair is immediately executed such serious damage will happen to any canal as to cause sudden and extensive public injury,

or, that unless some clearance of a canal or other work which is necessary in order to maintain the established course of irrigation is immediately executed, serious public loss will occur,

and that the labourers necessary for the proper execution of such repair, clearance or work cannot be obtained in the ordinary manner within the time that can be allowed for the execution of the same so as to prevent such injury or loss,

the said officer may, by order under his hand, direct that the provisions of this section shall be put into operation for the execution of such repair, clearance or work; and thereupon every able-bodied person who resides or holds land in the vicinity of the locality where such repair, clearance or work has to be executed, and whose name appears in the list hereinafter mentioned, shall, if required to do so by such officer or by any person authorized by him in this behalf, be bound to assist in the execution of such repair, clearance or work by labouring thereat as such officer or any person authorized by him in this behalf may direct.

All persons so labouring shall be entitled to payment at rates which shall not be less than the highest rates for the time being paid in the neighbourhood for similar labour.

List of labourers.

59. Subject to such rules as may from time to time be prescribed under section 70 in this behalf, the Collector shall prepare a list of the persons liable to be required to assist as aforesaid, and may from time to time add to or alter such list or any part thereof.

Reports to be made by Canal-officer.

60. All orders made under section 58 shall be immediately reported to the Collector for the information of the Commissioner of the Division, and likewise to the Chief Engineer for Irrigation, for the information of [1][the Provincial Government].

PART VIII.

Of Penalties.

For damaging canal, etc.

61. Whoever voluntarily and without proper authority—

(*1*) damages, alters, enlarges or obstructs any canal;

(*2*) interferes with, or increases or diminishes the supply of water in, or the flow of water from, through, over or under any canal, or by any means raises or lowers the level of the water in any canal;

(*3*) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*4*) destroys, defaces or moves any land or level mark or water-gauge fixed by the authority of a public servant;

(*5*) destroys, tampers with, or removes, any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any canal;

(*6*) passes, or causes animals or vehicles to pass, in or across any of the works, banks or channels of a canal contrary to rules made under section 70, after he has been desired to desist therefrom;

(*7*) causes or knowingly and wilfully permits cattle to graze upon any canal or flood-embankment, or tethers or causes or knowingly and wilfully permits cattle to be tethered, upon any such canal or embankment, or roots up any grass or other vegetation growing on any such canal or embankment, or removes, cuts or in any way injures, or causes to be removed, cut or otherwise injured, any tree, bush, grass or hedge intended for the protection of such canal or embankment;

(*8*) neglects, without reasonable cause, to assist or to continue to assist in the execution of any repair, clearance or work, when lawfully bound so to do under section 58;

(*9*) violates any rule made under section 70 for breach whereof the [1][Provincial Government] shall, in such rules, direct that a penalty may be incurred;

and whoever—

(*10*) being responsible for the maintenance of a water-course, or using a water-course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorized distribution of the water therefrom, or uses such water in an unauthorized manner or prevents or interferes with the lawful use of such water-course by any person authorized to use the same or declared to be a joint owner thereof under section 23;

shall, when such act shall not amount to the offence of committing mischief within the meaning of the Indian Penal Code, on conviction before a Magistrate, be punished for each such offence with fine which may extend to fifty rupees, or with imprisonment [2]* * * for a term which may extend to one month, or with both.

XLV of 1860.

62. Whoever without proper authority—

For endangering stability of canal, etc.

(*1*) pierces or cuts through, or attempts to pierce or cut through, or otherwise to damage, destroy or endanger the stability of any canal;

(*2*) opens, shuts or obstructs, or attempts to open, shut or obstruct any sluice in any canal;

(*3*) makes any dam or obstruction for the purpose of diverting or opposing the current of a river or canal on the bank whereof there is a flood-embankment, or refuses or neglects to remove any such dam or obstruction when lawfully required so to do;

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "of either description within the meaning of the said Code" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

shall, when such act shall not amount to the offence of committing mischief within the meaning of the Indian Penal Code, on conviction before a Magistrate of the first or second class, be punished for each such offence with fine which may extend two to hundred rupees, or with imprisonment [1]* * * * * for a term which may extend to six months, or with both. XLV of 1860.

Obstruction to be removed and damage repaired.

63. Whenever any person is convicted under either of the last two preceding sections, the convicting Magistrate may order that he shall remove the obstruction or repair the damage in respect of which the conviction is held within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Canal-officer duly empowered in this behalf may remove such obstruction or repair such damage, and the cost of such removal or repair, as certified by the said officer, shall be leviable from such person by the Collector as an arrear of land-revenue.

Persons employed on canal may take offenders into custody.

64. Any person in charge of, or employed upon, any canal may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest Police-station, to be dealt with according to law, any person who within his view—

(*1*) wilfully damages, obstructs or fouls any canal, or

(*2*) without proper authority interferes with the supply or flow of water, in or from any canal, or in any river or stream so as to endanger, damage, make dangerous or render less useful any canal.

Saving of prosecution under other laws.

65. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Act:

Provided that no person shall be punished twice in respect of one and the same act or omission.

Payment of fine as award to informant.

66. Whenever any person is fined for an offence under this Act, the Court which imposes such fine, or which confirms in appeal or revision a sentence of such fine, or a sentence of which such fine forms part, may direct that the whole or any part of such fine may be paid by way of award to any person who gave information leading to the detection of such offence or to the conviction of the offender.

If the fine be awarded by a Court whose decision is subject to appeal or revision, the amount awarded shall not be paid until the period prescribed for presentation of the appeal has elapsed, or if an appeal be presented till after the decision of the appeal.

PART IX.

MISCELLANEOUS.

Appeals against orders under Act.

67. Every order passed by a Canal-officer under sections 13, 18, 25, 30, 45, 46 and 48 shall be appealable to the Collector:

Provided that the appeal be presented within thirty days of the date on which the order appealed against was communicated to the appellant.

All orders and proceedings of a Collector under this Act shall be subject to the supervision and control of the Commissioner [2]* * *.

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[1] The words "of either description within the meaning of the said Code" were repealed by the Bombay General Clauses Act, 1886, Bom. 3 of 1886, Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] The words "of the division were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

68. Any officer empowered under this Act to conduct any inquiry may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure ; and every such inquiry shall be deemed a judicial proceeding. Power to summon and examine witnesses.

69. Service of any notice under this Act shall be made by delivering or tendering a copy thereof signed by the officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person therein named. When such person cannot be found, the service may be made on any adult male member of his family residing with him ; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business ; and, if such person has no ordinary place of residence within the district, service of any notice may be made by sending copy of such notice by post in a registered cover addressed to such person at his usual place of residence. Service of notices.

70. The [1][Provincial Government] may from time to time make rules not inconsistent with this Act to regulate the following matters :— Power to make, alter and cancel rules.

(*a*) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter ;

(*b*) the cases in which, the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable ;

(*c*) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Act, shall be done ;

(*d*) the amount of any charge to be made under this Act ;

(*e*) and generally to carry out the provisions of this Act.

The [1][Provincial Government] may, from time to time, alter or cancel any rules so made.

Such rules, alterations and cancelments shall be published in the [2][Official Gazette], and shall thereupon have the force of law. Publication of rules.

71. Nothing in this Act shall be deemed to apply to any canal, channel, reservoir, lake or other collection of water vesting in any municipality. Saving of municipal water-works.

[3][PART X.

OF SECOND-CLASS IRRIGATION WORKS.

72. This Part shall apply to Second-class Irrigation Works only. Application of this Part.

73. (*1*) The [1][Provincial Government] may publish a notification in the [2][Official Gazette]— Notification of Second-class Irrigation Work.

(*a*) declaring that it is proposed to constitute any canal, channel, stream, river, pipe or reservoir, natural or artificial, or any part thereof, whether constructed, maintained or controlled by [4][the Provincial Government] or not, which is actually used or required for the purposes of irrigation, a Second-class Irrigation Work ;

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] Part X was inserted by s. 2 of the Bombay Irrigation (Amendment) Act, 1914 (Bom. 2 of 1914).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*b*) fixing a period of not less than four months from the date of publication of such notification in the [1][Official Gazette] for the submission of objections to such proposal :

Provided that no artificial reservoir or water-course supplied from such reservoir which is actually used for the purposes of irrigation by a single irrigator shall be included in such notification except either with the consent of such irrigator or, if in the opinion of the [2][Provincial Government] such inclusion is necessary in the public interests, then without such consent but subject to the payment, after the issue of the declaration mentioned in sub-section (*3*), to such irrigator of such compensation for his rights as may be settled in accordance with the provisions of section 79.

(*2*) After the publication of such notification in the [1][Official Gazette] it shall also be published by the Collector as soon as practicable in the language of the district at the Mamlatdar's Office of the taluka in which the work is situated and in every town and village which in the opinion of the Collector is likely to be affected by such notification.

(*3*) After considering such objections as may have been received within the period fixed as aforesaid the [2][Provincial Government] may, by notification in the [1][Official Gazette], declare such canal, channel, stream, river, pipe or reservoir or any part thereof to be a Second-class Irrigation Work.

Proclamation by the Collector.

74. When a notification has been issued under sub-section (*3*) of section 73 the Collector shall publish in the language of the district at the Mamlatdar's Office of the taluka in which the work is situated, and in every town and village which in his opinion is likely to be affected by such declaration, a proclamation—

(*a*) specifying, as nearly as possible, the source of supply, situation and limits of the Second-class Irrigation Work notified under sub-section (*3*) of section 73 ;

(*b*) stating that this Part applies to the work so notified from the date of the notification published under sub-section (*3*) of section 73 ; and

(*c*) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right in the work so notified either to present to the Collector within such period a written notice specifying, or to appear before him and state, the nature of such right.

Application of certain sections of the main Act.

75. (*1*) A Second-class Irrigation Work shall be deemed to be a canal within the meaning of sub-section (*1*) of section 3 and to such work the following sections and Parts only shall, so far as may be, apply, namely :—

Sections 3, 4, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 28, 30, Part V, Part VIII, except sub-section (*8*) of section 61, and Part IX.

(*2*) The aforesaid sections and Parts shall, for the purposes of this Part, be subject to the following modifications, namely :—

(*i*) In section 16 before the word "any" prefix the words—

"Subject to any rights recorded in the Record-of-rights prepared or revised as hereinafter provided".

[1] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid*.

(*ii*) In section 17 before the word "any" prefix the words "Subject as aforesaid".

(*iii*) In section 21 for clause (*d*), the following shall be substituted, namely :—

"(*d*) To have a supply of water on such terms as may be prescribed in the Record-of-rights prepared or revised as hereinafter provided."

(*iv*) To section 22 the following proviso shall be added, namely :—

"Provided that no such private arrangement shall affect any rights to water recorded in the Record-of-rights prepared or revised as hereinafter provided."

(*v*) In section 30 for the words "every agreement for" the words "all rights to" shall be substituted, and in the same section after the word "property" the words "which have been recorded in the Record-of-rights prepared or revised as hereinafter provided" shall be inserted. Paragraph 2 of the same section shall be omitted.

(*vi*) In Part V, section 31, proviso clause (*c*) and the last paragraph shall be omitted.

(*vii*) In Part V, section 34, the words "section 6, section 7" shall be omitted.

(*viii*) In Part IX, section 67, after the figures "48" the words "and Part X" shall be inserted.

Framing of Record-of-rights.

76. (*1*) As soon as possible after the expiry of the period fixed by the Collector under section 74, clause (*c*), a Canal-officer duly empowered in this behalf, who shall be a Revenue officer not below the rank of a [1][Mahalkari], shall inquire into and settle claims to any right in the Second-class Irrigation Work, and shall record the extent of such right and draw up in the form from time to time prescribed by the [2][Provincial Government] an Irrigation Record-of-rights so far as the same may be ascertainable from the records of Government and the evidence of any person likely to be acquainted with the same and any other documentary or oral evidence which the parties concerned or their witnesses may produce.

(*2*) Such Record-of-rights shall contain the following matters :—

(*a*) the nature of the Second-class Irrigation Work and any work subsidiary thereto,

(*b*) the lands irrigable therefrom,

(*c*) the custom or rule of irrigation,

(*d*) the rights to water and the conditions on which such rights are enjoyed, and

(*e*) such other matters as the [2][Provincial Government] may by rules prescribe in this behalf.

Powers of Canal-officer.

77. (*1*) For the purposes of the inquiries under section 76 such Canal-officer may enter, by himself or any officer authorised by him for the purpose, upon any land adjacent to any such work, and may survey, demarcate and make a map of the same.

(*2*) Notwithstanding anything contained in section 76 where no sufficient evidence is forthcoming as to all or any of the matters specified in that section such Canal-officer shall, so far as may be, settle and record the aforesaid matters in such manner as he may deem fit.

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[1] This word was substituted for the word "Mamlatdar" by Bom. 13 of 1947, s. 2.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Revision of Record-of-rights.

78. The Record-of-rights prepared under section 76 may be revised from time to time by a Canal-officer duly empowered in that behalf, who shall be a Revenue officer not below the rank of a [1][Mahalkari.]

Commutation of rights.

79. Where the Canal-officer who has prepared or revised any Record-of-rights under this Part finds that, having due regard to the maintenance or management of the Second-class Irrigation Work, any right contained in the Record-of-rights cannot continue to be exercised to the extent recorded, he shall (subject to such rules as the [2][Provincial Government] may from time to time prescribe in this behalf) commute such right wholly or in part, either by the payment to the holder of such right of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he may think fit; and he shall revise the Record-of-rights accordingly.

Power of Provincial Government where works are undertaken increasing supply.

80. In the event of [3][the Provincial Government] undertaking at their own cost any work whereby the supply of water in any Second-class Irrigation Work is increased beyond the amount of such supply at the time of preparing or revising the Record-of-rights under this Part the [2][Provincial Government] may, without prejudice to any rights so recorded, direct that the right to such surplus water shall vest in [4][the Crown for the purposes of the Province] and shall be applied as [3][the Provincial Government] may deem fit and the Record-of-rights shall be revised in accordance with such direction.

Publication of Record-of-rights.

81. When any Record-of-rights has been prepared or revised under this Part it shall be published in the language of the district at the Mamlatdar's Office of the taluka in which the work is situated and in every town and village which in the opinion of the Collector is affected by such Record-of-rights.

Entries in the Record-of-rights to be relevant as evidence.

82. An entry in any Record-of-rights prepared or revised under this Part shall be relevant as evidence in any dispute as to the matters recorded, and shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor:

Provided that no such entry shall be so construed as to limit any of the powers conferred on the [2][Provincial Government] by this Part.

Notice of suit to be given to the Collector.

83. (*1*) In any suit or proceeding in which an entry made in any Record-of-rights prepared or revised under this Part is directly or indirectly called in question, the Court shall, before the final settlement of issues, give notice of the suit or proceeding to the Collector, and, if moved to do so by the Collector, shall make the [5][Provincial Government] a party to the same.

Suits against Provincial Government.

(*2*) Save as provided in sub-section (*1*) no suit shall lie against [3][the Provincial Government] in respect of anything done by the Collector, Canal-officer or any other person acting under the orders of [3][the Provincial Government] in the exercise of any power by this Part conferred on such Collector, Canal-officer or other person or on [3][the Provincial Government].

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[1] This word was substituted for the word "Mamlatdar" by Bom. 13 of 1947, s. 2.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[4] The words "the Crown for the purposes of the Province" were substituted for the word "Government", *ibid.*

[5] The words "Provincial Government" were substituted for the words "Secretary of State for India in Council", *ibid.*

PART III.

SURVEY AND SETTLEMENT.

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17. Other records to show privileged occupants' rents,
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Custody and Amendment of Records : Determination of Disputes.

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    Power of Recording-officer to amend records with written consent of parties,
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PART IV.

ADMINISTRATION OF SURVEY-SETTLEMENTS MADE UNDER THIS ACT.

23. Provisions of this Part when to apply.

Khots' Jama.

24. Jama how to be calculated.

Managing Khots.

25. Abolition of khots' kabulayats.
26. Appointment of "managing khot".
27. Managing khot how to be nominated.
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29. Managing khot's certificate.
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31. Exclusive power of managing khot.
31A. Delegation of duties and powers by managing khot.

Separated Sharers.

32. Separated sharers to be severally responsible for their respective shares.

(*3*) Any suit or proceeding in which an entry made in any Record-of-rights prepared or revised under this Part is directly or indirectly called in question shall be dismissed (although limitation has not been set up as a defence) if it has not been instituted within one year from the date of the publication under section 81 of the Record-of-rights containing the said entry, or if one or more appeals have been made against any order of a Canal-officer with reference to any entry in such Record-of-rights, then from the date of any order passed by the final appellate authority, as determined according to this Part. Period of limitation.

84. In every Second-class Irrigation Work the following repairs shall be performed by the persons on whom the obligation to perform them is imposed by the next following section, that is to say :— Obligation to carry out petty repairs.

(*1*) The filling up of gullies, ruts and holes, especially at the back of revetments, and all petty repairs of a like nature essential for the safety of bunds, of tanks, channel-banks or other portions of the said Second-class Irrigation Work.

(*2*) The prevention of the growth on such work of prickly pear, young trees and other vegetation endangering the safety or concealing the condition of such work.

(*3*) The preservation of such bushes and grasses as have been planted for the protection of the interior water slopes of such work.

(*4*) The clearance of silt from sluices, supply and distributing channels.

(*5*) The clearance of waste weirs and waste channels.

85. The obligation to perform the repairs prescribed by the last preceding section shall, with reference to any land irrigated from such work, be deemed to be imposed jointly and severally, in the case of unalienated land, on the occupants of the land, and, in the case of all other land, on the holders of the land, as defined in either case in the [1]Bombay Land Revenue Code, 1879. Incidence of obligation.

Bom. V of 1879.

86. If any person on whom any obligation is imposed with reference to any Second-class Irrigation Work by any of the provisions of this part, fails to fulfil the obligation so imposed, or if any person infringes any right recorded in the Record-of-rights prepared or revised as hereinbefore provided, the Canal-officer may require him by notice to fulfil such obligation or to desist from infringing such right within a period to be prescribed in the notice of not less than fifteen days, and in the event of failure may take such steps as may be necessary for the discharge of the said obligation, or the enforcement of the said right, and the amount of any expense so incurred shall be a sum due to [2][the Provincial Government] and recoverable as an arrear of land revenue. Power to enforce rights and obligations.

87. It shall be the duty of the Patel of any village within the limits of which any Second-class Irrigation Work or portion of such work is situated to report to the Mamlatdar without unnecessary delay any failure or neglect to carry out any of the repairs specified in section 84. Duty of Patel to report failure to effect repairs.

88. No suit, prosecution or other legal proceeding shall be maintained against any public servant or person appointed under this Part in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder. Public servant and some other persons protected from legal proceedings.

[1] *Supra.*

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Power to make rules.

89. The [1][Provincial Government] may, from time to time by notification in the [2][Official Gazette] and after previous publication, make rules as to all or any of the following matters :—

(*i*) the manner of framing and revising the Record-of-rights,

(*ii*) the proceedings of any officer who under the provisions of this Part is required to take action in any matter,

(*iii*) and generally to carry out the provisions of this Part.

[3]PART XI.

SPECIAL PROVISIONS FOR CERTAIN LANDS IRRIGABLE BY THE LLOYD BARRAGE CANALS.

Application of this Part.

90. This Part shall apply, in the first instance, to lands irrigable by the Lloyd Barrage Canals only. The [1][Provincial Government] may, from time to time, by notification in the [2][Official Gazette], extend this Part to lands irrigable by such other canals in Sind as may, from time to time, be improved or re-modelled for the more efficient distribution of water therefrom :

Provided, however, that no such notification may be published until the said notification together with the scheme in respect of such lands has been laid [4][before the Legislative Assembly of the Province] and approved [5][by the Assembly] on a motion made by [6][the Provincial Government] :

Provided further that if and when this part is extended to such lands, the cost of reconstructing water-courses shall not be charged on lands watered within the 20 years immediately preceding the date of such notification by canals in lower Sind outside the zone commanded by the Lloyd Barrage Canals.

Power to change source of water supply.

91. (*1*) Whenever it appears to any Canal-officer not inferior in rank to an Executive Engineer that it is expedient to change the source of water-supply of any land for the more efficient distribution of water, he shall serve a notice on the holder or holders of the land and, if he proposes to transfer the source of water-supply of the land to any existing water-course, on the owner or owners of such water-course also, calling upon them to state in writing their objections, if any, as to the source or alignment or construction of the proposed water-course.

(*2*) (*i*) If no objection is raised within thirty days from the date of service of the notice, the Canal-officer may change the source of water-supply of the land in such manner as he thinks expedient.

(*ii*) If any objections are received within the said period of thirty days, the Canal-officer shall give the holder or holders of [7][the land and the owner or owners of the water-course] a reasonable opportunity of being heard and may, if the said objections are settled, proceed to change the source of water-supply accordingly.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

[3] This heading and sections 90, 91, 92 and 93 were inserted by Bom. 14 of 1931, s. 4.

[4] The words "before the Legislative Assembly of the Province" were substituted for the words "on the Council table" by the Adaptation of ndian Laws Order in Council.

[5] The words "by the Assembly" were substituted for the words "by the Council". *ibid.*

[6] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[7] These words were substituted for the words ".and concerned" by Bom. 15 of 1933, s. 2 (*1*).

(*iii*) If no settlement in respect of the said objections be arrived at between the Canal-officer and the holder or holders of [1][the land and the owner or owners of the water-course], the Canal-officer shall forthwith refer the matter to the Collector whose decision, subject to any orders that may be passed in revision by the Commissioner, shall be final and conclusive as regards the alignment and construction of the proposed water-course and shall not be called in question in any Civil Court.

[2]* * * * * * *

Construction of new water courses and liability of landholders for payment of cost thereof.

92. (*1*) If [3]* * * * it shall appear to [4][any Canal-officer not inferior in rank to an Executive Engineer] that new water-courses should be constructed for the irrigation of any land in place of any existing water-courses, [5][or of any existing sources of water supply] it shall be lawful for him to construct such water-courses as he thinks necessary :

[6][Provided that before a Canal-officer constructs a water-course under the provisions of this sub-section, the provisions of the last preceding section relating to notice, objections, reference and revision shall, so far as may be, apply as if such water-course were a water-course to be constructed under the said section, and]

Provided [7][further] that if the holder or holders of such land agree to construct such * * * water-courses at his or their own cost [8]to the satisfaction of the Canal-officer within a specified period, the said officer shall give the said holder or holders an option of so constructing the same.

(*2*) In the event of the holder or holders of any land failing to construct any [9][such] water-course [10][under the option given to such holder or holders in the proviso to sub-section (*1*)] either to the satisfaction of the Canal-officer or within the period specified [11]* * * *, the Canal-officer may construct [12][or construct the same in whole or in part] as he thinks necessary.

(*3*) The Canal-officer shall, on completion of any such water-course as is referred to in sub-section (*1*) or (*2*), give to the holder or holders of land concerned notice thereof, and shall make over possession of the water-course to the said holder or holders.

Costs of construction of new water-courses in local areas.

(*4*) [13](*a*) It shall be competent to the Canal-officer to fix the boundaries of local areas which are irrigated by one canal system, and within which water-courses have been or are to be constructed in whole or in part under the provisions of sub-section (*1*) or (*2*), and to determine the cost or estimated cost, as the case may be, of such water-courses, and the sums to be recovered from all holders of lands irrigated or to be irrigated within such areas as their share of the cost thereof. The estimated

[1] These words were substituted for the words " and concerned " by Bom. 15 of 1933, s. 2 (*1*).
[2] Sub-section (*3*) was deleted by Bom. 15 of 1933, s. 2 (*2*).
[3] The words " in pursuance of the provisions of the last preceding section " were deleted, *ibid*, s. 3 (*1*) (*a*).
[4] These words were substituted for the words " the Canal-officer ", *ibid*, s. 3 (*1*) (*b*).
[5] These words were inserted, *ibid*, s. 3 (*1*) (*c*).
[6] This proviso was inserted, *ibid*, s. 3 (*1*) (*d*).
[7] The word " further " was inserted, *ibid*, s. 3 (*1*) (*e*).
[8] The word " new " was deleted, *ibid*.
[9] The word " such " was inserted, *ibid*. s. 3 (*2*) (*a*).
[10] These words were inserted, *ibid*, s. 3 (*2*) (*b*).
[11] The words " in this behalf " were deleted, *ibid*, s. 3 (*2*) (*c*).
[12] These words were substituted for the words " the same or reconstruct the whole or any part thereof ", *ibid*, s. 3 (*2*) (*d*).
[13] Clauses (*a*) and (*b*) were substituted for the original clauses, *ibid*, s. 3 (*3*) (*a*).

cost of such water-courses to be constructed within a local area shall be determined by the Canal-officer on the basis of the actual cost of such water-courses constructed within the local area before the 30th day of September 1933.

Explanation.—For the purposes of this sub-section a canal system means a canal taking off direct from the river Indus, except in the case of the Nasrat Branch, Jamrao, Thar and Hiral Canals each of which shall be deemed to be a canal system.

Distribution of costs of construction over irrigated lands.

(*b*) When the Canal-officer has determined the cost of the construction of water-courses in any local area in accordance with the provisions of clause (*a*), he shall distribute such cost proportionately over the lands irrigated or to be irrigated and shall declare the amount payable on account of such cost in respect of the land constituting each survey number as defined in the Bombay Land Revenue Code, 1879, and the amount so determined shall be deemed a charge upon such land and shall be payable in the manner hereafter provided, by the holder for the time being of such land and no such survey number shall be sub-divided so long as the amount so determined with interest remains unpaid: Bom. V of 1879.

Provided that in distributing such cost in accordance with the provisions of this clause land [1][belonging to the Crown] on the 1st day of August 1931 shall be assessed to such cost at twice the rate of occupied land:

Provided further that when the holder or holders of land have constructed a part only of a water-course under the option given by the proviso to sub-section (*1*) and the Canal-officer has constructed the remaining part of such water-course there shall be credited to such holder or holders the cost of the construction of the part constructed by them, such cost being based upon and proportionate to the cost of the construction of water-courses by the Canal-officer within the local area as determined by the Canal-officer in accordance with the provisions of clause (*a*).

(*c*) The Canal-officer after determining [2][and declaring] the sum [3]* * * * payable by each holder of land on account of the cost of constructing [4][or reconstructing a water-course in accordance with the provisions of clause (*a*) or (*b*)] shall give notice thereof to [5][such] holder or holders of the land concerned, with an intimation that [6][the sum payable on account of such cost] has become due from the date on which possession of the water-course was made over to [7][such holder or holders] and that, if so desired, [8][such holder or holders] shall be permitted to pay the sum due in [9][twenty equal instalments payable either annually or at such lesser intervals as may be convenient to such holder or holders] together with interest at such rate as may be fixed by [10][the Provincial Government] but not exceeding the rate payable by [10][the Provincial Government] on its own borrowings on the date on which the said sum became payable as aforesaid:

[11]* * * * * *

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[1] The words "belonging to the Crown" were substituted for the words "belonging to Government" by the Adaptation of ndian Laws Order in Council.

[2] The o words were inserted by Bom. 15 of 1933, s. 3 (*3*) (*b*) (*i*).

[3] The word "thus" was deleted, *ibid*, s. 3 (*3*) (*b*) (*ii*).

[4] These words were substituted for the words "the water-course", *ibid*, s. 3 (*3*) (*b*) (*iii*).

[5] The word "such" was substituted for the word " he ", *ibid*, s. 3 (*3*) (*b*) (*iv*).

[6] These words were substituted for the words "such sum", *ibid*, s. 3 (*3*) (*b*) (*v*).

[7] These words were substituted for the words "him or them", *ibid*, s. 3 (*3*) (*b*) (*vi*).

[8] These words were substituted for the words "he or they", *ibid*, s. 3 (*3*) (*b*) (*vii*).

[9] These words were substituted for the words "twenty equal annual instalments", *ibid*, s. 3 (*3*) (*b*) (*viii*).

[10] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[11] The words "Provided that no such instalment shall be less than five rupees" were deleted by Bom. 15 of 1933, s. 3 (*3*) (*b*) (*ix*).

(*d*) In the event of any default in payment [1][of any sum due under clause (*c*)] by the [2]* * * * holder or holders, the sum payable shall be recoverable under section 57.

(*5*) [3][The holder or holders] of land to whom possession of a water-course is given in accordance with the provisions of sub-section (*3*) shall be [4][the owner or owners] of such water-course.

[5]* * * * * *

(*6*) Any person aggrieved by an order of a Canal-officer under sub-section (*4*) as to the apportionment of the cost of construction of a water-course may present a petition to the Collector requesting him to revise that order, and the Collector after such inquiry as he thinks necessary and after giving the persons concerned a reasonable opportunity of being heard may pass such orders as he thinks fit. The orders passed by the Collector shall, subject to revision by the Commissioner, be final and conclusive unless modified by a Civil Court of competent jurisdiction.

[6](*7*) If after the construction of any water-course under the provisions of this section the Canal-officer finds that any further alterations in the alignment or construction of the said water-course are necessary, it shall be lawful for him with the previous sanction of the Collector to carry out such alterations at the expense of [7][the Provincial Government.]

Explanation.—For the purposes of this section "the cost of constructing a water-course" shall include the cost of aligning the water-course and of such preliminary operations as are necessary for such alignment, but shall not include more than two-thirds of the cost of main rectangulation and sub-rectangulation.

93. The provisions of sections 91 and 92 (except the proviso to sub-section (*1*) of section 92) shall be deemed to have come into operation and to have had effect from the 1st June 1926 : **Retrospective operation of sections 91 and 92.**

Provided that anything done by the Canal-officer under the said provisions between the 1st June 1926 and the date of the coming into operation of the Bombay Irrigation (Amendment) Act, 1931, shall not be invalid merely on the ground that any procedure laid down in the said provisions has not been followed. Bom. XIV of 1931.

Provided further that no compensation shall be payable for the stoppage of the supply of water to any water-course or to any person who was entitled to such supply if such stoppage was due to any action of the Canal-officer in changing or transferring the source of water-supply under the provisions of section 91 during the period aforesaid.

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[1] These words were inserted, by Bom. 15 of 1933, s. 3 (*3*) (*c*) (*i*).

[2] The word "said" was deleted, *ibid*, s. 3 (*3*) (*c*) (*ii*).

[3] These words were substituted for the words "every holder", *ibid*, s. 3 (*4*) (*a*).

[4] These words were substituted for the words "an owner", *ibid*.

[5] The explanation to sub-section (*5*) was deleted, *ibid*, s. 3 (*4*) (*b*).

[6] This sub-section and the Explanation were inserted, *ibid*, s. 3 (*5*).

[7] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

THE KHOTI SETTLEMENT ACT, 1880.

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SCHEDULE.

BOMBAY ACT No. I OF 1880.[1]

[THE KHOTI SETTLEMENT ACT, 1880.]

[*6th May 1880.*]

Repealed in part by Bom. 3 of 1886.
Repealed in part and amended by Bom. 3 of 1904;
" " " " " " " 29 of 1946;
" " " " " " " 4 of 1913.
Amended by Bom. 8 of 1912.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 29 of 1939.

An Act to amend the law relating to the settlement of Villages held by Khots.

WHEREAS it is expedient to make special provision for the settlement and revenue-administration of villages in the Ratnagiri District which are held by khots; It is enacted as follows:— Preamble.

PART I.

PRELIMINARY.

1. This Act may be cited as the Khoti Settlement Act, 1880. Short title.

It extends to all villages held by khots in the district of Ratnagiri. Extent.

The [2][Provincial Government] may, from time to time, by notification in the [3][Official Gazette], extend all or any of its provisions to any such village in the Kolaba District.

Bom. I of 1865.

2. Sections 37 and 38 of the [4]Bombay Survey and Settlement Act, 1865, are repealed so far as they apply to any village to which this Act extends, or may hereafter be extended: Repeal of sections 37 and 38 of Bombay Act I of 1865.

Provided that the said repeal shall not affect the validity of any settlement already made under the provisions of the said sections and which has been guaranteed by [5][the Provincial Government] for a fixed period under section 28 of the said Act.

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation-clause.

(*1*) "village" means a village, or a portion or share of a village, to the extent to which a khot has any right or interest in such village, or portion or share thereof;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1879, Pt. V., p. 160; for Report of the Select Committee, *see ibid*, p. 166; and for Proceedings in Council, *see ibid*, p. 163, and *ibid*, 1880, Pt. V., p. 5.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid*.

[4] This Act is now called the "The Khots Leases Act, 1865".

[5] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

(*2*) "khot" includes—

(*a*) a mortgagee lawfully in possession of a khotki,

(*b*) all co-sharers in a khotki;

(*3*) "khotki" means the aggregate of the rights and interests vested in a khot as such;

(*4*) "jama" means land-revenue payable by a khot to [1][the Provincial Government];

(*5*) "privileged occupant" means—

(*a*) a dharekari, or

(*b*) a quasi-dharekari, or

(*c*) [2][a permanent tenant];

(*6*) "dharekari" means a land-holder who holds on the "dhara" tenure;

(*7*) "quasi-dharekari" means a land-holder of any of the denominations named in the first column of the schedule [3]* * *;

(*8*) "[4][permanent tenant]" means a holder of khoti land who has a [5][permanent tenancy] in such land;

(*9*) "dhara land" means land held by a dharekari, or by a quasi-dharekari;

(*10*) "khoti land" means land in respect of which a khot has, as such, any right or interest and which is not dhara land;

[6][(*11*) "Recording-officer" means any officer duly empowered to make or amend entries in the settlement-register or other settlement records by or under section 108 of the [7]Bombay Land Revenue Code, 1879, or Part III of this Act;] Bom. V of 1879.

Expressions defined in the Bombay Land Revenue Code.

(*12*) any word or expression which is defined in the [7]Bombay Land Revenue Code, 1879, and is not hereinbefore defined, shall be deemed to have the meaning given to it by that Code. Bom. V of 1879.

PART II.

General Provisions relating to Khots and their inferior holders.

Khots.

Continuance of khots' villages to be subject to payment of jama.

4. Khots shall continue to hold their villages conditionally on the payment of the amounts due on account of the jama of the same, according to the provisions of this Act and of the [7]Bombay Land Revenue Code, 1879, and of any rules for the time being in force made under this Act or under the said Code, and subject to the fulfilment of any other term or liability lawfully annexed or appertaining to their tenure. Bom. V of 1879.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "an occupancy-tenant" by s. 85 (*b*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] The words "thereto annexed" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] These words were substituted for the words "occupancy tenant" by s. 85 (*b*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[5] These words were substituted for the words "right of occupancy" by s. 85 (*a*), *ibid.*

[6] Clause (*11*) was inserted by s. 2 of the Khoti Settlement (Amendment) Act, 1904 (Bom. 3 of 1904), in the place of the former cl. (*11*) which was repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

The former cl. (*11*) was as follows:—

"'part' and 'section' means respectively a part and section of this Act."

[7] *Supra.*

Inferior Holders.

5. Every holder of khoti land who has actually occupied or cultivated the same continuously from any time previous to the commencement of the revenue year 1845-46 has a [1][permanent tenancy] in the land so occupied or cultivated. What holders are to be deemed permanent tenants.

The occupation or cultivating of the father or other person from whom the present holder inherits, and in the case of [2][permanent tenancies] which are transferable otherwise than by inheritance, the occupation or cultivating of any former holder through whom the present holder claims, or of any mortgagee or lessee of the present or any former holder, shall be deemed to be the occupation or cultivating of the present holder within the meaning of this section ;

and, in the case of land which is periodically fallow, years of fallow shall be reckoned as years of occupation or cultivation for the purpose of this section.

6. If [3][a permanent tenancy] which [4][was] not transferable otherwise than by inheritance [5][before the passing of the Bombay Tenancy Act, 1939], has been so transferred, the actual holder of the land shall be deemed to be the tenant thereof, and if he, or his father, or other person from whom he inherits, has occupied or cultivated the land continuously from any time previous to the commencement of the revenue year 1845-46, he shall have a [1][permanent tenancy] therein : Permanent tenancy when land has been wrongfully transferred.

Bom. XXIX of 1939.

Provided that, if the actual holder is in possession of the land as motgagee, or lessee merely, his occupation or cultivating shall for the purpose of this section and of section 5 be deemed to be the occupation or cultivating of the mortgagor or lessor, and that, if such mortgagor or lessor has a [1][permanent tenancy] in the land, [6][such permanent tenancy] shall, notwithstanding the provisions of section 9, be subject to the mortgage lien or lease of the said mortgagee or lessee until the same is duly discharged or determined.

7. Privileged occupants shall continue to hold their lands conditionally on the payment [7][by them to the Provincial Government of the survey assessment from time to time lawfully due by the khot to the Provincial Government and] of the rent from time to time lawfully due by them to the khot or other person entitled to receive payment of the same. Continuance of privileged occupants' tenures.

8. Tenants other than [8][permanent tenants] shall continue to hold their lands subject to such terms and conditions as may have been, or may hereafter be, agreed upon between the khot and themselves, and in the absence of any such specific agreement [9][or if the agreement provides for a term not exceeding ten years shall be held to be tenants for a period of not less than ten years] liable to pay rent to the khot at the same rates as are paid by [8][permanent tenants] in the village in which the lands held by them are situate : Provided that the said rates shall not exceed the maxima prescribed in section 33, [10][sub-section (*I*)], clause (*c*). Ordinary tenants.

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[1] These words were substituted for the words "right of occupancy" by s. 85 (*a*) of the Bombay Land-Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] These words were substituted for the words "occupancy rights", *ibid.*

[3] These words were substituted for the words "an occupancy-right", *ibid.*

[4] This word was substituted for the word "is" by Bom. 29 of 1939, s. 31, read with Bom. 67 of 1948, s. 89.

[5] These words were inserted, *ibid.*

[6] These words were substituted for the words "such right" by Bom. 4 of 1913, s. 86.

[7] These words were inserted by Bom. 29 of 1946, s. 2.

[8] These words were substituted for the words "occupancy tenants" by s. 85(*b*) of Bom. 4 of 1913.

[9] These words were substituted for the words "shall be held to be yearly tenants" by Bom. 29 of 1946, s. 3.

[10] This was inserted, *ibid*

Transfer, etc., of Rights.

What rights are transferable.

[1][9. The rights of khots [2][and privileged occupants] shall be heritable and transferable.

[3]* * * * * * * .]

Resignation, lapse or forfeiture of privileged occupants' lands.

[4][10. If the land [5][held by] a privileged occupant lapses for failure of heirs or is forfeited on the occupant's failing to pay [6][the survey assessment or] the rent due in respect thereof, or if any [7][permanent tenant] resigns [8][his land or any portion of his land [9]* * * * *] [10][his] land shall be at the disposal of the khot as khoti land free of all encumbrances, other than liens or charges created or existing in favour of [11][the Crown].

But it shall not be competent to a privileged occupant at any time to resign a portion only of his entire holding except with the consent of the knot; and no privileged occupant shall be deemed to have forfeited his land on failure to pay rent unless such forfeiture is certified by the Collector.]

Grant of Privileged Occupant's Rights by Khots.

Privileged occupant's rights may be conferred by khots.

11. It shall be competent to the khot at any time to confer on any tenant the right of a privileged occupant of any class, or on a privileged occupant of one class, the right of a privileged occupant of a superior class:

Provided that the grant by the khot of any such right shall not affect any right of [11][the Crown] in respect of the land which is the subject of such grant or of the trees or other forest-produce of such land.

Record of grant.

12. On receipt of a written application from the khot, in such form as shall be prescribed in rules to be framed under section 40, the Collector shall cause an entry to be made, in such record as may from time to time be prescribed by [12][the Provincial Government] in this behalf, of any right conferred by the khot under the last preceding section, and an entry thus duly made and authenticated by the Collector's signature shall be conclusive proof of the facts therein recorded.

Nothing in this section or in section 11 shall be deemed to apply to a mortgagee lawfully in possession of a khotki unless such mortgagee shall have been expressly authorized by his mortgagor to exercise the powers conferred by the said sections.

Recovery of Rents.

13. [*Commutation-rates for rent payable in kind.*] *Rep. Bom. III of 1904, s. 3.*

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[1] Section 9 was substituted by Bom. 8 of 1912, s. 2.

[2] These words were substituted for the words "dharekaris and quasidharekaris" by Bom. 29 of 1939, s. 31.

[3] This portion was deleted, *ibid.*

[4] Section 10 was substituted by s. 2 of the Khoti Settlement (Amendment) Act, 1912 (Bom. 8 of 1912).

[5] These words were substituted for the words "in the holding of" by s. 87(2)(a) of the Bombay Land-Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] These words were inserted by Bom. 29 of 1946, s. 4.

[7] These words were substituted for the words "occupancy tenant" by Bom 4 of 1913, s. 85 (b).

[8] These words were substituted for the words "the land or any portion of the land in his holding" by s. 87 (2) (b), *ibid.*

[9] The portion deleted by Bom. 29 of 1946, s. 4 has been omitted.

[10] This word was substituted for the word "such" by Bom. 4 of 1913, s. 87 (2) (c).

[11] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[12] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

14. [*Rent of land which a permanent tenant neglects to cultivate.*] *Repealed by Bom. XXIX of 1946, s. 5.*

Accounts.

15. The khot shall—

Khots to keep accounts;

(*a*) keep, or cause to be kept, such accounts as may from time to time be required by the Collector under the orders of [1][the Provincial Government]; and

and to produce them when required;

(*b*) produce such accounts, whenever required, to the Collector or to any officer subordinate to the Collector not lower in rank than a mahalkari, and

and to give written receipts.

(*c*) give a written receipt for every payment of rent or land-revenue made to him whether by a privileged occupant or tenant, or by a co-sharer in his khotki.

Penalty.

For disobedience of any order duly made under this section, or for any infraction of the provisions of this section, the khot shall, on conviction before the Collector or the Assistant or Deputy Collector in charge of the taluka in which such khot's village is situate, be liable to a fine not exceeding one hundred rupees, which shall be recoverable as an arrear of jama.

PART III.

SURVEY AND SETTLEMENT.

Settlement-records.

Preparation of settlement-register of khoti villages.

16. Whenever a survey-settlement of the land-revenue of any village to which this Act extends is made or revised under the provisions of Chapter VIII of the [2]Bombay Land Revenue Code, 1879, the settlement-register prepared under section 108 of the said Code shall show the area and assessment of each survey-number and also whether such survey-number is held by a privileged occupant or not.

Bom. V of 1879.

[3][If a survey-number is held by one or more privileged occupants, the said register shall further specify the tenure on which such number is held, [4][and the names of the occupants thereof].

Survey-numbers which are not held by privileged occupants shall be entered in the said register in the name of the khot, or, if a partition of the khotki has taken place, of the co-sharers to whose shares they respectively belong.

The said register shall also contain a list of all the co-sharers of the khotki, if the village be not held by one khot in his own sole right, and shall specify the extent of each such co-sharer's interest in the khotki.

Other records to show privileged occupants' rents;

[5]**17.** The other records prepared under the said section shall specify—

(*a*) the description and amount of rent, if any, payable to the khot by each privileged occupant according to the provisions of section 33; and

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] *Supra.*

[3] This paragraph was substituted for the second paragraph of s. 16 by s. 88 of the Bombay Land-Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] These words were substituted for the original words by Bom. 29 of 1946, s. 6.

[5] Sections 17 to 22, both inclusive, were substituted by s. 4 of the Khoti Settlement (Amendment) Act, 1904 (Bom. 3 of 1904).

and, when the khotki is undivided, the co-sharers' respective rights ;

(*b*) if the khotki is undivided,—

(*i*) the survey-numbers in the possession of each co-sharer and the rent payable by such co-sharer on account of the same ; and

(*ii*) the terms and particulars of any written agreement which the co-sharers, or any of them, have entered into, or may at the time of the framing of the said record enter into, determining their respective responsibility ; and

(*iii*) the order of rotation in which the said co-sharers agree in writing, if they do so agree, to take the management of the village under the provisions of section 27 ; or

or when the khotki is divided, each share treated separately.

(*c*) if a partition has been effected and the co-sharers of the khotki hold their respective shares in severalty,—

(*i*) the extent and limits of each such separate share ; and

(*ii*) the same particulars in respect of the several sub-sharers, if any, of each such share as are required by clause (*b*) to be given concerning all the co-sharers when a khotki is undivided.

Custody and Amendment of Records : Determination of Disputes.

Collector to keep records after survey-settlement completed.

[1]**18.** (*1*) When the survey-settlement of any village to which this Act extends is completed, the settlement-register and other records thereof shall be kept by the Collector.

Power of Recording-officer to amend records with written consent of parties ;

(*2*) So long as the settlement-register and other records are in the charge of the Survey-officer, the said officer, and afterwards the Collector or any other officer whom the [2][Provincial Government] from time to time empowers in this behalf, may, in the cases specified in sub-section (*3*), but not otherwise save with the consent of the parties affected thereby given in writing before the Recording-officer, at any time amend, or cause to be amended, any entry in such register or records, whether by addition thereto, insertion therein, cancellation or other alteration thereof, as may be required ; and unless and until so amended, every entry made shall, as long as the survey-settlement for which it was made remains in force, continue to be applicable to the land referred to.

and in certain other cases.

(*3*) The cases referred to in sub-section (*2*) are the following, namely :—

(*a*) any clerical error, or any error which all the parties affected thereby admit to have been made in the same, may be corrected ;

(*b*) any entry which the Recording-officer is satisfied has been caused by mistake or obtained by means of fraud, misrepresentation or personation, or by other means amounting to an offence under the Indian Penal Code, may be cancelled, and such other entry (if any) substituted therefor as the Recording-officer shall determine ; XLV of 1860.

(*c*) any entry which is rendered inapplicable or incorrect by any change of circumstances or transfer of rights or interests relating thereto may be cancelled or corrected, as the Recording-officer may deem fit ;

(*d*) an entry of the description and amount of the rent payable by [3][a permanent tenant] may be inserted or altered in accordance with any of the provisions of rules IV and V under clause (*c*) of section 33 ; and

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[1] *See* foot-note 5 on p. 323, *supra*.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for the words "an occupancy-tenant" by s. 85 (*b*) of the Bombay Land-Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

(*e*) subject to the provisions of section 20, any entry in respect of which the parties affected thereby may have obtained *inter se* a final decree of a Court of competent jurisdiction under section 21, shall be amended in accordance therewith, on an application, accompanied by a certified copy of such decree, being duly made to the Recording-officer for that purpose.

[1]**19.** (*1*) If it appears to the Recording-officer that there exists any dispute as to any matter which he is bound to record, or as to any amendment proposed to be made under section 18, he may, either on the application of any of the disputant parties, or of his own motion, investigate and decide such dispute, and frame or amend the settlement-register or other record accordingly. Disputes to be determined by Recording officer.

(*2*) No such decision and no amendment of any entry in the settlement-register or other records shall be made until after due notice to the parties affected thereby, and without giving them an opportunity of being heard in respect thereto : Notice and opportunity of being heard to be given to parties.

Provided that no such decision or amendment of an entry shall be deemed invalid merely for want of such notice or opportunity as aforesaid. Proviso.

(*3*) But any person affected by any such decision or amendment, to whom such notice or opportunity as aforesaid has not been given, may apply to the Recording-officer to have such decision or amendment cancelled or altered, as the circumstances of the case may require, and, subject to the provisions of sub-section (*2*), the Recording-officer shall re-investigate the matter and may, if he thinks fit, cancel or alter such decision or amendment accordingly. Remedy of party affected to whom no such notice or opportunity given.

[1]**20.** (*1*) Subject to such orders as may be passed on appeal under sub-section (*2*) and to the provisions of sub-section (*3*), every entry in the settlement-register or other records made by the Recording-officer under section 16, 17 or 18, and purporting to record— Recording-officer's decision final in certain matters ;

[2]* * * * * * * *

[2]* the liability of each privileged occupant to pay rent of the description and amount entered, shall, subject to the provisions of section 18, be conclusive and final evidence of the [3]* * liability so recorded.

(*2*) Any person aggrieved by any such entry may, within one year of the making of the entry, appeal to the [4][Provincial Government] to have the entry altered, and the entry shall be altered if the orders passed on the appeal so direct, and the entry so altered in accordance with such orders shall be conclusive and final evidence in the manner and to the extent specified in sub-section (*1*). Subject to appeal to Provincial Government.

(*3*) Nothing in this section shall affect proceedings pending in any Civil Court at the time when this section comes into force. Saving of pending civil proceedings.

[1]**21.** In any other matter the decision of the said Recording-officer shall not be open to appeal or revision, and shall be binding upon all the parties affected thereby until reversed or modified by a final decree of a competent Court : Recording-officer's decision when not final to be set aside only by a decree of Court.

Provided that—

(*a*) no person shall be permitted in any Civil Court as a defendant or otherwise, to plead, whether directly or indirectly, that such decision or entry is erroneous or is not binding upon him, if such person is, at the date of the institution of the Proviso in restraint of suits.

[1] *See* footnote 5 on p. 323, *supra*.
[2] Clause (*a*) and the brackets and letter "(*b*)" were deleted by Bom. 29 of 1946, s. 7.
[3] The words "fact or" were deleted, *ibid*.
[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

suit in which the question arises, debarred by the law of limitation for the time being in force from instituting a suit for, or with a view to, the reversal or modification of such decision or entry ; and

(*b*) no fresh cause of action shall accrue in respect of—

(*i*) a decision or entry made for the purpose of, or in the course of a revised survey-settlement, or.

(*ii*) an amendment of an entry made under any of the provisions of section 18, which makes no alteration affecting the substance of the previous decision or entry relating to the same subject-matter.

Bar of suits against the Crown or officers of the Crown.

[1]**22.** No suit shall lie against [2][the Crown] or against any officer of [2][the Crown] to set aside any decision or order of a Survey-officer or other Recording-officer under this Part.

PART IV.

ADMINISTRATION OF SURVEY-SETTLEMENTS MADE UNDER THIS ACT.

Provisions of this Part when to apply.

23. The provisions of this Part shall not apply to any village to which this Act extends until such time as the [3][Provincial Government] first after the passing of this Act sanctions a survey-settlement or a revised survey-settlement of such village and declares the assessments settled thereunder fixed for a period of years, in accordance with section 102 of the [4]Bombay Land Revenue Code, 1879. Bom. V of 1879.

Until such time, the rights and responsibilities of all parties so far as regards the matters treated of in this Part shall continue to be such as they would be if this Part had not been enacted.

Khots' Jama.

Jama how to be calculated.

24. The jama payable to [2][the Provincial Government] by the khot shall be the aggregate of the survey-assessments [5][for the time being of the lands of the village being lands not held by any privileged occupant and not relinquished by the khot.]

[6]* * * * * * * *

Managing Khots.

Abolition of khots' kabulayats.

25. The annual kabulayats hitherto executed by khots shall no longer be required from them :

Provided that nothing herein contained shall be deemed to affect the liability of khots to perform any condition of their tenure, or to do any act which they are now bound to perform or to do, or their obligation to refrain from doing anything which they are now bound not to do.

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[1] *See* footnote 5 on p. 323, *Supra*.

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid*.

[4] *Supra*.

[5] These words were substituted for the original by Bom. 29 of 1946, s. 8.

[6] The second paragraph was deleted, *ibid*.

26. When a village is held by two or more co-sharers jointly, the said sharers shall be jointly and severally responsible for the jama, but one of their number shall be nominated every year to receive the inferior holders' rents, to pay the [1][Crown dues], and generally to perform all acts required by this Act or by any other law or rule having the force of law, to be performed by the khot. Appointment of Managing khot.

The sharer so nominated shall be called "the managing khot" [2]* * * *.

27. [3][(*1*)] If the co-sharers have, at the time of the framing of the survey-settlement records or at any subsequent period, agreed in writing as to the order of rotation, the nomination of the managing khot shall be made by the Collector in the order so agreed upon. Managing khot how to be nominated.

In the absence of any such agreement, [4][or if the sharer whose turn it is to be nominated is for any reason unable to serve as managing khot, and fails to delegate his duties and powers under section 31A within such time as may be prescribed by the Collector in this behalf,] the co-sharers shall be called upon to nominate one of their number year by year, [5][or for the year, as the case may be], and in the event of their failing so to do within such time as may be prescribed by the Collector in this behalf, or if they [6][do not agree by a majority of all the co-sharers of the village as to the nomination or if the sharer who is so nominated is for any reason unable to serve as managing khot, and fails to delegate his duties and powers under section 31A in such time as may be prescribed by the Collector in this behalf,] the Collector shall either select the managing khot for the year, or cause the village to be attached and taken under the management of himself or any agent whom he appoints for that purpose in the manner provided in section 144 of the [7]Bombay Land Revenue Code, 1879. Bom. V of 1879.

[8][(*2*) Where the co-sharers have, for six successive years at any time after the commencement of the Khoti-Settlement (Amendment) Act, 1946, failed to nominate one of their number within the prescribed period as required by the Collector under sub-section (*1*), or to agree by a majority of all the co-sharers of the village to the nomination, or if the sharer who is so nominated has for any reason been unable to serve as managing khot, and failed to delegate his duties and powers under section 31A, within such time as may have been prescribed by the Collector in this behalf, the village shall thenceforward vest in the Crown for the purposes of the Province free from all encumbrances created by any of the co-sharers or any of their predecessors-in title or in anywise subsisting as against any of the sharers, but without prejudice to the rights of the persons in actual possession of the lands in the village.] Bom. XXIX of 1946.

28. [9][The Collector's nomination or selection under section 27 shall be made by a written order, which shall not be open to appeal, and no suit shall lie against Collector's nomination or selection not to be disputed.

[1] The words "Crown dues" were substituted for the words "Government dues" by the Adaptation of Indian Laws Order in Council.

[2] The words and figures "and shall for all the purposes of the Bombay Land Revenue Code, 1879, be deemed to be the registered occupant of all survey-numbers in the village not held by privileged occupants" were repealed by s. 89 of the Bombay Land-Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[3] Section 27 has been numbered as sub-section (*1*) of section 27 by Bom. 29 of 1946, s. 9 (*1*).

[4] These words were inserted by s. 5 (*a*) of the Khoti Settlement (Amendment) Act, 1904 (Bom. 3 of 1904).

[5] These words were inserted, *ibid.* s. 5 (*b*).

[6] This portion was substituted by Bom. 29 of 1946, s. 9(*1*).

[7] *Supra.*

[8] Sub-section (*2*) was added by Bom. 29 of 1946, s. 9 (*2*).

[9] This paragraph was substituted by s. 6 of the Khoti Settlement (Amendment) Act, 1904 (Bom. 3 of 1904).

[1][the Crown] or against any officer of [1][the Crown] in respect of any such nomination or selection.]

But suits in respect to the right of management not barred amongst the khots themselves.

But it shall be lawful for any of the co-sharers at any time to sue for a decree *inter se* to declare which of them is entitled to the management, or the order in which they should respectively have the management, if more than one of them be entitled to the same; and from the commencement of the revenue year next after an application (accompanied by a certified copy of any such decree) is duly made to him for the purpose, the Collector shall nominate the managing khot in accordance with such decree.

Managing khot's certificate.

29. [2]* * * * * * The mamlatdar shall furnish every managing khot [3][nominated or selected under section 27] with a certificate under his hand and seal to the effect that the holder thereof is the recognized managing khot for the year to which such certificate relates, and a certificate so signed and sealed shall be conclusive evidence of the right of the khot therein named to manage the village to which it relates for the year therein specified.

Managing khot when there are no co-sharers.

30. When a village is held by a khot in his own sole right, he shall be deemed to be the managing khot thereof for all the purposes of this Act, and it shall not be necessary to furnish him with any such certificate as is described in the last preceding section.

Exclusive power of managing khot.

31. When a managing khot has been duly appointed under any of the foregoing provisions, he alone shall be entitled to assistance for the recovery of rent from privileged occupants under sections 86 and 87 of the [4]Bombay Land Revenue Code 1879. Bom. V of 1879.

Delegation of duties and powers by managing khot.

[5]**31A.** It shall be lawful for the managing khot to delegate, subject to the approval of the Collector, the performance and exercise of all duties and powers, imposed or conferred upon him either by section 15 or by section 31, to any person duly empowered in writing by him in this behalf; and the person so appointed shall, in respect of the performance of the duties prescribed in section 15, be subject to all the liabilities to which the khot is subject under the said section.

Separated Sharers.

Separated sharers to be severally responsible for their respective shares.

32. When the khots have divided their khotki or a partition thereof has been effected by the Civil Court, or otherwise, and the co-sharers hold their respective shares in severalty, the Collector shall determine the amount of jama payable in respect of each separate share, and the holders of the said shares shall be held severally liable for the portions of the jama so fixed on their respective shares, and all the provisions of this Act shall apply to them respectively as if they were independent holders of entire khotkis.

Privileged Occupants' Rents.

Nature and amount of rent payable by privileged occupants.

33. [6][(*1*)] The rent payable to the khot by privileged occupants shall be as follows, namely :—

(*a*) by a dharekari : [7][nil ;]

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[1] The words "the Crown" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Except as is hereinafter provided" were repealed by s. 7 of the Khoti Settlement (Amendment) Act, 1904 (Bom. 3 of 1904).

[3] These words were inserted, *ibid.*

[4] *Supra.*

[5] Section 31A was inserted *ibid*, s. 8.

[6] Section 33 has been numbered as sub-section (*1*) of section 33 by Bom. 29 of 1946, s. 10(*1*).

[7] This word was substituted for the original words, *ibid.*

(*b*) by a quasi-dharekari: [1]* * * * the amounts of grain or money respectively set forth in the schedule [2]* * *;

[3][(*c*) by any [4][permanent tenant]:

in each case according to the terms of the entry in the survey-record made in respect thereof, and for the time being applicable thereto, under the following rules [5][but subject always to the deduction referred to in sub-section (*2*)]:—

Rule I. Every such entry shall show whether any rent is payable and, if so, whether it is payable as— Entry to show form of payment.

(*a*) an amount fixed: that is to say, a certain amount, irrespective of the crop, payable in money or kind, or both; or

(*b*) a crop-share: that is to say, a fixed proportion of the gross annual produce of the land, and of the produce of fruit-trees (if any).

Rule II. (1) Amounts fixed shall be entered as determined by agreement of the parties— How and what entries are to be entered as determined by agreement.

(*a*) at the time of framing the survey-record, if the Recording-officer is satisfied that they have then or at any time previous agreed that such amounts shall be the rent payable during any period subsequent to the introduction of the survey; or

(*b*) at any other time, on the parties appearing in person or by duly authorized agent before the Recording-officer and consenting to such entry.

(2) No crop-share shall at any time be entered as determined by agreement. No crop-share to be entered as determined by agreement.

(3) In this rule the word "parties" means, with reference to an agreement, the tenant and the person who at the time of the agreement is the managing khot: Meaning of the word "parties"

Provided that if any sharer in a khotki whose interest, or any number of such sharers the aggregate of whose interests, exceeds three-eighths of the entire khotki, shall declare in writing delivered to the Recording-officer at the time of the nomination or appointment of a managing khot, or at any time during the tenure of his office by such managing khot, that the managing khot shall have no power to bind such sharer or sharers by an agreement with any tenant specified in such writing, no agreement entered into after the delivery of such declaration, between such managing khot and such tenant, shall be binding on such sharer or sharers, unless— How far, in an agreement with a tenant, a managing khot can bind a sharer or sharers in a khotki.

(*a*) such sharer or sharers shall appear before the Recording-officer and assent thereto, or

(*b*) written notice of an intention to execute such an agreement has been sent at the cost of such managing khot or tenant through the Recording-officer by post in a registered cover addressed to such sharer or sharers, and such sharer or sharers shall, for a period of not less than three months after such notice has been sent as aforesaid, fail to appear before the Recording-officer and object to such agreement.

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[1] The words "the survey-assessment of his land and in addition thereto" were deleted by Bom. 29 of 1946, s. 10 (*1*).

[2] The words "hereto annexed" were repealed by Sch. B of the Bombay General Clauses Act, 1886 (Bom. 3 of 1886). This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[3] Clause (*c*) was substituted by s. 9 of the Khoti Settlement (Amendment) Act, 1904 (Bom. 3 of 1904).

[4] These words were substituted for the words "occupancy tenant" by s. 85 (*b*) of the Bombay Land-Revenue (Amendment) Act; 1913 (Bom. 4 of 1913).

[5] These words were inserted by Bom. 29 of 1946, s. 10 (*1*).

How entries other than those of amounts fixed by agreement are to be determined.

Rule III. If at the framing of the survey-record there appears to be no amount fixed by agreement of the parties, the Recording-officer shall,

(*a*) if he finds that a crop-share has theretofore been paid in accordance with the general custom of the village in respect of similar lands,

enter such crop-share ; or,

(*b*) if he finds in any case that the rent theretofore paid has been different in description or amount from that payable under the general custom of the village in respect of similar land therein, or that no such general custom is ascertainable,

enter the rent theretofore paid in such case, or, if such rent has not been uniform, the average of the rent paid or payable for such land during the twelve years last preceding his inquiry ; or,

(*c*) if he finds that a commuted value of a crop-share has become payable under sub-rule (1) of rule V,

enter the commuted-value payable under sub-rule (3) of the same rule :

Limits of crop-shares.

Provided that no crop-share shall in any case be entered exceeding in the case of rice-land one-half and in the case of warkas-land one-third.

Power to make or alter entries in case of omission of entry at settlement or on account of entry ceasing to be applicable ;

Rule IV. (1) If in any case—

(*a*) no entry has been made at the introduction of a survey-settlement, or

(*b*) the entry made has, by reason of a decree of a competent Court or of any change in the tenant's mode of cultivation or otherwise, ceased to be applicable, wholly or in part, to the land in respect of which it was made,

and no amount fixed by agreement has been subsequently entered,

the Recording-officer may determine and enter, or alter the entry already made in respect of, the rent payable, as if he were acting under rule III.

or when tenant holding on special conditions of service ceases to render such service ;

(2) If any land is held wholly or partly in consideration of services to be rendered by the tenant to the khot or to the village community, or for the benefit of any class thereof, the Recording-officer shall, upon proof that such services are no longer rendered, determine and enter the rent which would have been leviable, but for such total or partial exemption.

or when amount fixed is not equal to sum of survey-assessment and local fund cess together with a percentage thereon ;

(3) If in respect of any land, other than land which is entered as held rent-free, the amount fixed, or in the case of crop-shares the commuted-value which has been, or might be, under rule V entered as payable, is less than the total sum representing the survey-assessment and local fund cess recoverable from the khot in respect thereof, together with twenty-five per centum of such assessment and local fund cess (hereinafter called "the percentage"), the Recording-officer shall, on the application of either of the parties, raise such amount fixed or commuted-value to such total sum or the equivalent thereof in kind, and shall alter the entry accordingly :

Bom. III of 1904.

Provided that the [1][Provincial Government] may, during the period of the survey-settlement in force at the commencement of the Khoti Settlement Act Amendment Act, 1904, by general or special orders in this behalf, direct that the whole or part of the percentage shall during the remainder of such period be defrayed by [2][the Provincial Government]; and so long as such defrayal continues, the rent payable by the tenant to the khot under the provisions of this sub-rule shall be reduced to the extent of the amount so defrayed, and a note shall be inserted by the Recording-officer in the altered entry accordingly.

subject to proportionate reduction, if Provincial Government defrays whole or part of the percentage;

(4) If the survey-assessment fixed on any survey-number has been reduced or struck off on account of diluvion, deterioration by floods or other cause beyond the control of the [3][permanent tenant], the Recording-officer shall reduce the total amount fixed, or in the case of crop-shares the total commuted-value (if any), which has been entered as payable for the portion of that number in such tenant's [4][occupation] by an amount bearing to that total amount or commuted-value the same proportion as the amount of assessment remitted or struck off bears to the total assessment for the entire area in his [4][occupation] and shall make an entry in the record specifying—

(*a*) the reduced amount, and

(*b*) the limit of time for which it is without further entry to hold good.

or when the assessment has been remitted or reduced on account of injury to the land.

Rule V. (1) On an application made on or before the first day of May in any year by any tenant, whose rent is payable wholly or partly as a crop-share, the Recording-officer shall fix and enter the commuted-value of the whole of such crop-share, and such commuted-value shall thenceforth, subject to the provisions of sub-rule (3), be payable, with effect from the commencement of the next ensuing revenue-year, by the tenant in lieu of the whole crop-share hitherto payable by him.

When entry of commuted-value of crop-share may be made, and effect of such entry.

(2) In this rule "commuted-value" means the average money-value of the produce payable, and the Recording-officer shall, in the absence of any satisfactory evidence to the contrary, take, as a standard for estimating such money-value, a half crop-share as equivalent to three multiples of the survey-assessment, fixed on the land, a third crop-share as equivalent to two multiples of such assessment, and any other crop-share as equivalent to a proportional multiple of such assessment:

Meaning of "commuted-value" and how fixed.

Provided that the commuted-value of the produce payable on any warkas land entered in the records existing on the day when this rule comes into operation, as land actually used for the purpose of rab manure in connection with rice cultivation shall not exceed an amount equal to the survey-assessment on such land.

Proviso as to warkas land used for rab manure.

(3) Where a commuted-value has become payable under sub-rule (1), the Recording-officer shall at a revised survey-settlement revise the commuted-value in accordance with the provisions of sub-rule (2) with reference to the revised survey-assessment fixed on the land, but shall not alter the description of the rent so payable.]

Commuted-value subject to revision at a revised survey-settlement.

Bom. XXIX of 1939.

[5][*Rule VI.* Notwithstanding anything contained in the preceding rules, it shall be lawful for any tenant to apply to the Mamlatdar under section 12 or 14A, as the case may require, of the Bombay Tenancy Act, 1939, for determining the reasonable rent payable by him; and in any such case, the rent so determined under that Act shall, with effect from the commencement of the next ensuing revenue year, be payable by the tenant in lieu of the rent hitherto payable by him.]

Reasonable rent may be determined under Bombay Tenancy Act, 1939.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] These words were substituted for the words "occupancy tenant" by s. 85 (*b*) of the Bombay Land-Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] This word was substituted for the word "occupancy", *ibid* s. 99.

[5] This Rule was inserted by Bom. 29 of 1946, s. 10 (*1*).

[1][(2) Notwithstanding anything contained in sub-section (1), the amount of survey-assessment and local fund cess payable by a permanent tenant to the Provincial Government under sections 7 and 36 shall be deducted from the rent entered as payable under sub-section (1) whether before or after the passing of the Khoti Settlement (Amendment) Act, 1946, and the balance only after such deduction shall be payable as rent by the tenant to the khot.] Bom. XXIX of 1946.

Privileged occupants' rents how and when to be paid.

34. The rents due by privileged occupants shall be payable on such dates, in such instalments, and subject to such rules not inconsistent with the provisions of this Act, as may from time to time be prescribed in this behalf by the [2][Provincial Government.]

Cesses, etc.

Abolition of all cesses, etc.

35. It shall not be lawful for any khot to levy *phaski*, *veth*, *nangarveth*, *wartala*, or any other cess, rate, tax or service of any description or denomination whatsoever, from any privileged occupant other than the rent lawfully leviable under the provisions of this Act.

Local Fund Cess.

Khot's liability for local fund cess.

36. Local fund cess at such rate as shall from time to time be fixed by [3][the Provincial Government] under section 6 of the [4]Bombay Local Funds Act, 1869, shall be leviable by [3][the Provincial Government] from the khot on every rupee of his jama [5][and from privileged occupants on every rupee of the survey-assessment of their respective holdings.] Bom. III of 1869.

[6]* * * * * *

[6]* * * * * *

PART V.

MISCELLANEOUS.

Existing survey-settlements confirmed.

37. Existing survey-settlements of the land-revenue of any village to which this Act extends, made, approved and confirmed under the authority of the [2][Provincial Government], shall be deemed to have been lawfully made, and, except as is hereinafter otherwise provided, shall continue in force for the terms for which they have been respectively guaranteed, subject to all the provisions of law which would be applicable thereto if this Act had not been passed; and anything in this Act which is inconsistent with any of the said provisions shall be deemed not to apply to such settlements.

New settlements may be substituted for existing settlements.

38. Upon the expiry of the period of any such guarantee, or, if it shall appear to the [2][Provincial Government] that a majority of the land-holders affected by any such guarantee so desire, at any time previous to the expiry of the said period (such time being fixed by the [2][Provincial Government]), a new survey-settlement shall be introduced into the village in which such guarantee was in force, and the provisions of this Act shall thenceforward apply to the said settlement, anything in any other law to the contrary notwithstanding.

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[1] Sub-section (2) was added by Bom. 29 of 1946, s. 10. (2).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[4] *See* now section 93 of Bom. 6 of 1923.

[5] These words were added by Bom. 29 of 1946, s. 11.

[6] The second and third paragraphs were deleted, *ibid.*

Bom. V of 1879.

Bombay Land Revenue Code, 1879, how far inapplicable to khoti villages.

39. [1][Nothing in sections 68, 72, 73, 74, the second paragraph of section 104, [2][section 112,] clause (*b*) of section 150, or section 153 of the [3]Bombay Land Revenue Code, 1879, shall be deemed to apply to any village to which this Act extends]:

[4][Provided that section 74 shall apply to the lands not held by a privileged occupant, and clause (*b*) of section 150 and section 153 shall apply to the lands held by a privileged occupant, in any such village.]

The provisions of the said Code when applied to any such village shall be subject to the following modifications, namely:—

[5][(*a*) section 74 shall be read and understood as if the word "khot" were substituted for the word "occupant";]

[6](*b*) * * * * *

[7][(*c*) the khot in respect of the jama of his village, and a privileged occupant in respect of the survey-assessment of his holding shall, for the purposes of section 136, be deemed to be the persons primarily responsible to the Provincial Government;]

(*d*) the word "alienated" in clause (*f*) of section 150 shall be deemed to be omitted; and,

(*e*) if such village is under attachment at the date of this Act coming into force, applications may be made under section 162 for the restoration thereof at any time within twelve years from the first day of August next after such date.

Rules to be made by Provincial Government.

40. The [8][Provincial Government] may, by notification in the [9][Official Gazette], from time to time frame, and from time to time vary or rescind, [10]rules not inconsistent with the provisions of this Act—

(*a*) for the inspection and appraisement of crops when the rent payable to a khot consists of a share of the produce of a privileged occupant's land;

(*b*) for determining what land is dhara land;

(*c*) for allotting to each privileged occupant, when the exact limits of his warkas holding are not ascertainable, such portion of the entire warkas land of the village or such rights or privileges in respect of any warkas land, or both a portion of the entire warkas land and such rights or privileges in respect of any other such land as may be fair and reasonable;

Bom. V of 1879.

(*d*) determining to what extent, if any, any rule, or order made under section 214 of the [3]Bombay Land Revenue Code, 1879, shall be applicable to villages to which this Act extends;

(*e*) for the furtherance of the objects of this Act in matters not expressly provided for therein;

(*f*) generally for the guidance of all persons in matters connected with the enforcement of this Act.

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[1] This paragraph was substituted by s. 92 (*a*) of the Bombay Land-Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The word and figures "section 112" were substituted by Bom. 29 of 1946, s. 12.

[3] *Supra.*

[4] This proviso was added by Bom. 29 of 1946, s. 12.

[5] This clause was inserted, *ibid.*

[6] Clause (*b*) was deleted, *ibid.*

[7] Clause (*c*) was substituted, *ibid.*

[8] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[9] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[10] For rules, *see* Bombay Local Rules and Orders.

Provincial Government may constitute uncultivated land a reserved forest.

41. And whereas it is necessary in the general interests of the people to enable [1][the Provincial Government] to promote the extension of forests in villages held by khots; it is hereby enacted that [1][the Provincial Government] may at any time constitute any uncultivated land in any village to which this Act extends, or may hereafter be extended, a reserved forest [2][in accordance with the procedure enacted in Chapter II of the [3]Indian Forest Act, 1878]. But nothing in this section contained shall derogate from any rights conferred by any sanad or other grant made by any lawful authority. VII of 1878.

Explanation.—For the purposes of this section "uncultivated land" means land which has not been tilled for a period of twenty years next before the 1st June, 1879, or the date of the order constituting such reserved forest.

Reserved forest constituted under last preceding section to be subject to provisions of Indian Forest Act.

42. Every reserved forest constituted under the last preceding section shall be subject to all the provisions of the [3]Indian Forest Act, 1878, and of any other law relating to forests for the time being in force: Provided— VII of 1878.

(*1*) that, upon the condition of duly performing such service connected with such forest as shall from time to time be prescribed by [4][the Provincial Government], the khot shall be entitled to a share of one-third of the net profits derived by [4][the Provincial Government] from such forest after deducting the cost of management;

(*2*) that, in the event of the service prescribed by [4][the Provincial Government] as aforesaid not being duly performed by the khot, the provisions of section 80 of the [3]Indian Forest Act, 1878, shall be applicable. VII of 1878.

Application of Act to certain areas with modifications

[5][**43.** Notwithstanding anything hereinbefore contained, the provisions of this Act when applied to any village in the Ratnagiri or Kolaba District in which record of rights is maintained under Chapter X-A of the Bombay Land Revenue Code, 1879, shall be subject to the following modification, namely:— Bom. V of 1879.

Part III containing sections 16 to 22 shall be deleted.]

SCHEDULE.

(*See section 3, clause 7, and section 33.*)

Denomination of quasi-dharekaris.	Excess amount of rent payable for every Rupee and proportionately for every fraction of a Rupee of the Survey-Assessment in respect of		
	Rice lands.	Warkas lands.	Bagayat or Rabi lands.
Daspatkari	2 annas ..	2 annas ..	2 annas.
Dupatkari	½ maund of rice in the husk.	5½ pailis of grain (half *nachani* and half *vari*).	8 annas.
Didpatkari or Didiwala ..	3 pailis of rice in the husk.	2 pailis of grain (half *nachani* and half *vari*).	3 annas.
Paune dupatkari	6 pailis of rice in the husk.	4 pailis of grain (half *nachani* and half *vari*.)	6 annas.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] These words and figures were inserted by s. 11 of the Khoti Settlement (Amendment) Act, 1904 (Bom. 3 of 1904) with retrospective effect from the date of the commencement of this Act.

[3] *See* now the Indian Forest Act, 1927 (16 of 1927).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] Section 43 was inserted by Bom. 29 of 1946, s. 13.

THE BOMBAY LANDING AND WHARFAGE FEES ACT, 1882.

CONTENTS.

PREAMBLE.

Sections.

1. Short title.
2. Local extent.
3. Repeal of Bombay Act III of 1879.
4. "Government," "Landing-place" and "Passengers" defined.
5. Government to fix limits of bandars, etc., and the fees to be levied.
6. Powers and duties under this Act by whom to be exercised and performed.
7. Powers, privileges and liabilities of officers who collect fees. Punishment of offenders.
8. Tables of fees to be posted up.
9. Power to make bye-laws.
10. Fees realised under this Act how to be expended.
11. Receipt, expenditure and account of landing and wharfage fees.
12. Grouping of ports.

BOMBAY ACT No. VII OF 1882.[1]

[THE BOMBAY LANDING AND WHARFAGE FEES ACT, 1882.]

[*18th November 1882.*]

Repealed in part and amended, by Act 16 of 1895 ;

Amended, by Bom. Acts 5 of 1916 and 2 of 1919.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide for the levy of fees for the use of Public Landing-places.

WHEREAS it is expedient to provide for the levy of fees for the use of public landing-places in certain ports in the Bombay Presidency ; It is hereby enacted as follows :— Preamble.

1. This Act shall be called the Bombay Landing and Wharfage Fees Act, 1882. Short title.

2. [2][It shall extend to any ports] in the Presidency of Bombay to which [3][Government] may from time to time, by notification in the [4][Official Gazette], extend the Act. Local extent.

3. Bombay Act III of 1879 is hereby repealed, and all fees levied and every declaration, appointment, or rule made under that Act shall be deemed to have been levied and made under this Act. Repeal of Bombay Act III of 1879.

4. In this Act [5][the term "Government" in relation to a major port means the Central Government, and save as aforesaid means the Provincial Government] ; the [6]term "landing-place" includes a bandar, wharf, pier, jetty, hard and any place used for the landing, shipping, or storage of goods, or for the embarking or disembarking of passengers : "Government," "Landing-place" and "Passengers" defined.

[7]* * * * * *

[8][and the term "passengers" means any person of three years of age or upwards, carried in a vessel, other than the master and crew and the owner, his family and servants.]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1881, Pt. V, p. 41 ; and for Proceedings in Council, *see ibid* p. 47.

[2] These words were substituted for the words "It shall extend—(*a*) to the Ports of Karachi and Aden ; (*b*) to any other ports" by Schedule II of the Amending Act, 1895 (16 of 1895).

[3] The word "Government" was substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette* and other local Official Gazette", *ibid.*

[5] The words "the term 'Government' in relation to a major port means the Central Government, and save as aforesaid means the Provincial Government" were inserted, *ibid.*

[6] The definition of the term "landing-place" was substituted by s. 2 (*a*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[7] The definition of the term "Commissioner" was repealed by s. 2 (*b*), *ibid.*

[8] This definition was added by s. 2 (*c*), *ibid.*

Government to fix limits of bandars, etc., and the fees to be levied

5. It shall be lawful for [1][Government] from time to time by notification in the [2][Official Gazette]—

(*a*) to define the limits of any port to which this Act is made applicable when such limits have not been defined under the [3]Indian Ports Act, 1875;

(*b*) to determine what are public landing-places to which the provisions of this Act shall apply;

(*c*) to determine the limits of any such landing-place;

(*d*) to withdraw this Act from any port in which it is for the time being in force;

[4][(*e*) to fix the fees to be levied—

(1) on goods landed, shipped or stored at, and

(2) on passengers embarking or disembarking at, and

(3) on animals or vehicles bringing or removing goods to or from, or plying for hire at, and

(4) on vessels or boats approaching or lying alongside, any such landing-place:

[5][Provided that it shall be lawful for [1][Government] at any time to exempt any goods, passengers, vessel, boat, animal or vehicle wholly or partially from any fee to which the same may be liable under this section;]

[5][provided further that the fee to be levied on any passenger on each occassion of embarking or disembarking at a landing-place shall not exceed one anna].

Powers and duties under this Act by whom to be exercised and performed.

6. The levy of fees under this Act shall be made and all other powers and duties conferred and imposed by this Act or by any bye-laws made hereunder, shall be exercised and performed by such officers as [1][Government] shall from time to time direct, or by such person as [6][it] shall from time to time direct in this behalf.

Powers, privileges and liabilities of officers who collect fees.

7. The officers and persons whose duty it may be to levy fees under this Act shall have the same powers for collecting and enforcing payment of the same as are exercisable under the provisions of any law, for the time being in force, in respect of duties of sea-customs by the Collector of Customs and his subordinates, and shall have the same privileges and be subject to the same liabilities in respect of anything done by them in collecting and enforcing payment of the said fees as the said Collector of Customs and his subordinates have, or are liable to, under the provisions of any such law.

Punishment of offenders.

The law for the time being in force for the punishment of offences relating to the levy or payment of duties of sea-customs, and for the reward of informers, shall, as far as may be, apply to similar offences committed in respect of the said fees.

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[1] The word "Government" was substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette* and other local Official Gazette", *ibid*.

[3] *See* now the Indian Ports Act, 1908 (15 of 1908).

[4] Clause (*e*) was substituted by s. 3 (*1*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[5] This and the succeeding proviso were substituted for the original proviso by s. 3 (*2*), *ibid*.

[6] The word "it" was substituted for the word "he", *ibid*.

[1][In particular and without prejudice to the generality of the provisions of the foregoing paragraph, the penalty prescribed in the third column of article I of section 167 of the Sea Customs Act, 1878, shall be leviable in respect of the contravention of any bye-law made under this Act.]

VIII of 1878.

8. Tables of the fees leviable under this Act shall be posted up in some conspicuous position at every landing-place at which such fees are leviable, in English and the Vernacular language of the district, province, or territory in which the port is situate.

Tables of fees to be posted up.

9. [2][The] [3][Chief Customs-authority] may, with the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act:

Power to make bye-laws.

(*a*) regulating the use of every landing-place to which this Act applies;

(*b*) providing for the management of the traffic over, on or about and to and from every such landing-place;

[4][(*c*) regulating the collection and remittance of the fees leviable under all or any of the provisions of this Act; and]

[5][(*d*)] generally for the guidance of all persons in matters connected with the enforcement of this Act.

The bye-laws so made, and every alteration of the same and every order repealing the same or any portion thereof, shall be published in the [6][Official Gazette].

[7][**10.** [8][In any port to which this Act applies expenditure incurred under any of the following heads shall be deemed for the purposes of the next succeeding section to be expenditure under this Act for the port, that is to say, expenditure—]

Fees realized under this Act how to be expended.

(*a*) in payment of the expenses of the administration of this Act;

(*b*) in defraying the cost of acquiring or constructing new landing-places required for the convenience of the traffic or trade of such port;

(*c*) in maintaining and improving any existing landing-place and in constructing, maintaining or providing waiting rooms and other conveniences or facilities for passengers, and generally in the improvement of such port; and

(*d*) in payment of the charges connected with the establishing, maintaining and working of telegraphs and telephones between any such ports.]

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[1] This paragraph was inserted by s. 4 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[2] This word was inserted by s. 2 of 1st Sch. of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[3] These words were substituted for the words "The Commissioner may, within the district, province or territory under his charge, and, in respect of any other port or ports to which the provisions of this Act may hereafter be extended, the Chief Customs authority for the Presidency of Bombay" by s. 5 (*a*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[4] Clause (*c*) was inserted by s. 5 (*b*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[5] Clause (*d*) was re-numbered by s. 5 (*c*), *ibid.*

[6] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette* and other local Official Gazette" by the Adaptation of Indian Laws Order in Council.

[7] Section 10 was substituted by s. 6 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[8] These words were substituted for the words "The proceeds of all fees realized under this Act shall be expended in any port to which this Act applies—" by the Adaptation of Indian Laws Order in Council.

Receipt, expenditure and account of landing and wharfage fees.

[1][11. (*1*) For each port to which this Act applies a distinct account, to be called the landing and wharfage fees fund account, shall be kept showing, in such detail as the Chief Customs-authority prescribes, the receipts and expenditure under this Act for the port. An abstract of the account for the past financial year, in such form as the Chief Customs-authority prescribes, shall be published annually as soon after the first day of April as may be practicable.

(*2*) If an advance of money shall be made by the Government for any of the purposes of this Act, on account of any port to which this Act applies, simple interest on that advance or upon so much of it as shall remain unrepaid, at such rate as [2][Government] may determine, shall be chargeable in the landing and wharfage fees fund account of such port.

(*3*) All monies received under this Act at or on account of any port to which this Act applies shall be credited in the landing and wharfage fees fund account of the port.

(*4*) [3]* * * * * * * *.

Grouping of ports.

[4][12. [2][Government] may direct that for the purposes of sections 10 and 11 any number of ports to which this Act applies shall be regarded as constituting a single port, [5]* * * * * * *.]

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[1] Section 11 was added by s. 7 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[2] The word "Government" was substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] Sub-section (*4*) was omitted, *ibid.*

[4] Section 12 was added by s. 7 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[5] The words "and thereupon all monies to be credited to the landing and wharfage fees fund account under section 11 shall form a common fund account which shall be available for expenditure for the sake of the several ports of the group on the objects authorized by this Act" were omitted by the Adaptation of Indian Laws Order in Council.

THE BOMBAY HIGHWAY ACT, 1883.

CONTENTS.

PREAMBLE.

Sections.

1. Short title.
2. Local extent.
3. Imposition of tax on carriages, etc., in notified area.
4. Rules to be framed for the levy of the tax.
5. The tax not leviable in a municipality or cantonment where a tax on vehicles and animals is already levied.
6. [*Repealed.*]
7. Tolls under Bombay Act III of 1875 not to be levied in local areas notified under this Act.
8. Saving provisions.

SCHEDULE.

BOMBAY ACT No. I OF 1883.[1]

[THE BOMBAY HIGHWAY ACT, 1883.]

[*10th April, 1883.*]

Repealed in part, by Bom. 3 of 1886 (as amended by Bom. I of 1891).

Amended by Act 16 of 1895.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide Funds for maintaining Provincial Roads used for local purposes.

WHEREAS it is expedient to provide additional funds for the construction and proper maintenance and repair of public roads in or near stations which are chiefly used by the residents for purposes of local convenience, as, for example, for intercommunication, pleasure driving or riding, other than for military purposes or for purposes connected with agricultural operations of petty trade, dealing or industry, and which are not provided for out of imperial, municipal or cantonment funds; It is hereby enacted as follows:— Preamble.

1. This Act shall be cited as the Bombay Highway Act, 1883, and it shall come into force in the manner provided in the next following section. Short title.

2. This Act shall extend to the whole of the territories administered by the Bombay Government, but shall not come into force anywhere within the said territories until the [2][Provincial Government] may, by notification in the [3][Official Gazette] apply [4]the same to any local area to be specified in such notification within the said territories; and the [2][Provincial Government] may, in like manner, amend or cancel any such notification. Local extent.

3. It shall be lawful for the [2][Provincial Government], after the publication of the notification referred to in the last preceding section, [5]to levy a tax on all carriages, coaches, vans, carts, hackeries, horses or ponies in accordance with the rates specified in the Schedule [6]* * * * from all persons owning or having charge of the same, who are resident within the local area so notified: Imposition of tax on carriages, etc. in notified area.

Provided—

(*a*) that the [2][Provincial Government] may reduce, alter or modify this tax as [7][it] may deem fit, but may not increase the rates specified in the said Schedule;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1882, Pt. V, p. 53; for Report of the Select Committee, see *ibid*, 1883, p. 1; and for Proceedings in Council, see *ibid*, 1882, p. 65, *ibid*, 1883, p. 8.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*", *ibid*.

[4] For notifications applying this Act to local areas in the Province, *see* Bombay Local Rules and Orders.

[5] For notifications levying taxes on vehicles, etc., *see* Bombay Local Rules and Orders.

[6] The words "annexed to this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

[7] The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

(*b*) that any person who may have owned or had charge of any vehicle or animal as aforesaid kept for use within such local area for a period exceeding fifteen and not exceeding thirty consecutive days shall be liable only to one-third of the tax for that quarter, and for any period of a quarter exceeding thirty consecutive days shall be liable for the whole tax of that quarter;

(*c*) that no tax shall be leviable in respect of any vehicle or animal as aforesaid which shall have been out of use for the whole period contained in any quarter on due notice in writing being given by the owner in accordance with the rules of assessment hereinafter provided for in section 4 [1]* * *.

For the purposes this section the word "resident" means and includes any person who dwells or takes up his abode in a local area notified under this Act for a period exceeding fifteen days.

Rules to be framed for the levy of the tax.

4. It shall be lawful for the [2][Provincial Government], from time to time, to make [3]rules for the assessment and recovery of the tax referred to in the last preceding section, which shall be published in the [4][Official Gazette], and such rules may be general for all areas notified under the provisions of section 2 [1]* * * or special for any one or more such areas, according as the [2][Provincial Government] directs, and it shall be lawful for the [2][Provincial Government] at any time to amend or cancel such rules.

The tax not leviable in a municipality or cantonment where a tax on vehicles and animals is already levied.

5. Whenever in any municipality or cantonment, within any local area notified under this Act, a tax on vehicles and animals is levied within the limits of such [5][municipality] or cantonment under the authority of any law for the time being in force therein, the tax imposable under section 3 [1]* * * shall not be levied within such limits.; but such contribution which, under any law for the time being in force, may be made out of the funds of any such municipality or cantonment to provincial or local funds, as shall, in the opinion of the [2][Provincial Government], be deemed a just and proper share towards meeting the expenses of maintaining provincial roads which are not provided out of such municipal or cantonment funds, but which are calculated to benefit the residents within the limits of such municipality or cantonment, may be applied in the manner prescribed for the application of the proceeds of the tax imposed under section 3 [1]* * *

6. [*Application of proceeds of the tax*]. *Omitted by the Adaptation of Indian Laws Order in Council.*

Tolls under Bom. III of 1875 not to be levied in local areas notified under this Act.

7. No tolls leviable under [6]Bombay Act III of 1875 shall be levied within any local area notified under this Act.

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[1] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] For rules for the assessment and recovery of taxes, *see* Bombay Local Rules and Orders.

[4] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[5] This word was substituted for the word "municipalities" by the Amending Act, 1895 (16 of 1895), Second Schedule.

[6] Tolls on Roads and Bridges Act, 1875 (Bom. 3 of 1875), *supra*.

8. Nothing in this Act shall be deemed to apply to or include any vehicles or animals as aforesaid [1][belonging to the Crown], or vehicles kept for sale by *bona fide* dealers and not used for any other purpose; Saving provisions.

or shall apply to any persons who are specially exempt from municipal taxation under any rules or law for the time being in force, or to any persons whom the [2][Provincial Government] may by an order in writing [3]exempt from the tax imposable under section 3 [4]* * *;

or shall apply to any person who earns his livelihood wholly or principally by agriculture carried on within the district within the limits of which the local area to which this Act may be applied is situated, or to any class of persons carrying on any petty trade, dealing or industry in such local area which the [2][Provincial Government] may, from time to time, by notification in the [5][Official Gazette], [6]exempt from the tax imposable under section 3 [4]* * *.

SCHEDULE.

(Referred to in section 3 of this Act.)

TAX ON CARRIAGES, COACHES, VANS, CARTS, HACKERIES, HORSES AND PONIES.

1. For every four-wheeled vehicle on springs ..	a rate not exceeding Rs. 10 per quarter.		
2. For every two-wheeled vehicle on springs ...	ditto	,, 6	ditto.
3. For every cart or hackery drawn by bullocks ..	ditto	,, 6	ditto.
4. For every horse, or pony of the height of 12 hands or upwards ..	ditto	,, 5	ditto.

[1] The words "belonging to the Crown" were substituted for the words "belonging to the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provicial Government" were substituted for the word "Governor in Council", *ibid.*

[3] For notifications exempting persons from the tax, *see* Bombay Local Rules and Orders.

[4] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[5] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] For notifications exempting persons from the tax, *see* Bombay Local Rules and Orders.

THE BOMBAY PUBLIC AUTHORITIES SEALS ACT, 1883.

CONTENTS.

Sections.

1. Short title.

2. Repeal of Bom. Act II of 1870.

3. Provincial Government empowered to prescribe the seals of certain public authorities.

4. Date on which notifications under last section shall take effect.

BOMBAY ACT No. V OF 1883.[1]

[THE BOMBAY PUBLIC AUTHORITIES SEALS ACT, 1883.]

[*5th November, 1883.*]

Repealed in part, by Act 16 of 1895.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to enable Government to prescribe the Official Seals of Sessions Judges, Magistrates and other public authorities.

WHEREAS it is expedient [2]* * * * to enable the Government to prescribe what official seals [2]* public authorities [2]* * shall have and use; It is enacted as follows :—

1. This Act may be called the Bombay Public Authorities Seals Act, 1883. Short title.

2. Bombay Act II of 1870 is hereby repealed. Every notification issued under the said Act and now in force shall be deemed to have been issued under this Act. Repeal of Bom. Act II of 1870.

3. The [3][Provincial Government], may, from time to time, by notification in the [4][*Official Gazette*], direct what official seals [5]each of the following [6]* * * public authorities shall have and use (namely) :— Provincial Government empowered to prescribe the seals of certain public authorities.

(1) Sessions Judges, Additional and Joint Sessions Judges and Assistant Sessions Judges;

(2) Presidency Magistrates;

(3) any other Magistrates;

(4) any other judicial officer or public authority, whose official seal is not prescribed by law and no other authority is legally competent to prescribe.

Every such notification may from time to time be modified or rescinded by the [3][Provincial Government] by a like notification.

4. Every notification made under the last preceding section shall come into force on such date as the [3][Provincial Government] shall therein fix in this behalf. Date on which notifications under last section shall take effect.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1883, Pt. V, p. 69; and for Proceedings in Council, *see ibid*, p. 72.

[2] The words and figures "to extend the provisions of Bombay Act 2 of 1870 (*an Act to enable the Government of Bombay to prescribe the official seals of the Magistrates*), so as", the word "other" and the words "besides Magistrates" respectively were repealed by the Amending Act, 1895 (16 of 1895).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "Bombay Government Gazette", *ibid*.

[5] For notification prescribing seals, *see* Bombay Local Rules and Orders.

[6] The words "Courts and others" were repealed by the Amending Act, 1895 (16 of 1895).

BOMBAY ACT No. V OF 1886.[1]

[THE BOMBAY HEREDITARY OFFICES (AMENDMENT) ACT, 1886.]

[*28th January, 1887.*]

Repealed in part, by Act 16 of 1895.

,, ,, ,, and amended locally, by Bom. 6 of 1887.

Sections 10 and 11 virtually repealed, by Bom. 3 of 1910, s. 2.

Amended, by Bom. 10 of 1923.

An Act to amend Bombay Act III of 1874.

Bom. III of 1874. WHEREAS it is expedient to amend the Bombay Hereditary Offices Act, 1874, in manner hereinafter appearing; It is enacted as follows:—

[2]1. * * * * *

2. Every female member of a watan family other than the widow [3][mother or paternal grand-mother] of the last male owner, and every person claiming through a female, shall be postponed in the order of succession to any watan, or part thereof, or interest therein, devolving by inheritance after the date when this Act comes into force to every male member of the family qualified to inherit such watan, or part thereof, or interest therein. Female members to be postponed.

The interest of a widow [3][mother or parternal grand-mother] in any watan or part thereof shall be for the term of her life or until her marriage only. Widow's interest.

[2]3-16. * * * * *

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[1] For the Statement of Objects and Reasons, *see Bombay Government Gazette*, 1885, Pt. V, p. 5, and *ibid*, 1886, p. 165; for Report of the Select Committee, *see ibid*, p. 31; and for Proceedings in Council, *see ibid*, p. 26, and *ibid*, 1886, pp. 94 and 178.

As to the local repeal and amendment of Bom. 5 of 1886, *see* s. 3 of the Mátadars Act, 1887 (Bom. 6 of 1887), *infra*.

SHORT TITLE.—"The Bombay Hereditary Offices (Amendment) Act, 1886". *See* the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] Amendments made by section 1 and sections 3 to 16 have been incorporated in Bom. 3 of 1874.

[3] These words were inserted by Bom. 10 of 1923, s. 2.

THE PROTECTION OF PILGRIMS ACT, 1887.

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   " pilgrim-broker ".
   " agent ".
   " the Commissioner ".
3. Penalty for acting as a pilgrim-broker without a licence.
4. Persons may be licensed to act as pilgrim-brokers.
5. Licences what to specify.
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14. Passage-tickets how to be numbered.
    Penalty for issue of tickets bearing same number.
15. Provisions of Pilgrim Ships Act, 1895, to apply to offences and penalties.
16. Penalties to be enforced only at the instance of the Commissioner.

BOMBAY ACT No. II OF 1887.[1]

[THE PROTECTION OF PILGRIMS ACT, 1887.]

[*4th June, 1887.*]

Repealed in part, by Act 14 of 1927.

" " " " " 20 of 1932.

Amended, by Bom. 5 of 1915.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide for the protection of pilgrims at the ports of Bombay and Karachi.

WHEREAS it is expedient to provide for the protection of pilgrims at the ports of Bombay and Karachi; It is enacted as follows:— Preamble.

1. This Act may be cited as "The Protection of Pilgrims Act, 1887". Short title.

It extends only to the cities and ports of Bombay and Karachi. Extent.

2. In this Act,— Definitions.

(*1*) "pilgrim" means a Muhammadan who is about to proceed from the port of Bombay or Karachi on a pilgrimage to the Hedjaz, whether he is going direct to Jeddah, or *via* any other port: "pilgrim":

(*2*) "pilgrim-broker" means a person who buys and resells, or sells on commission, or takes any reward for the purchase or sale of passage-tickets for pilgrims: "pilgrim broker":

(*3*) "agent" includes a person who has chartered a vessel for the conveyance of pilgrims: "agent":

(*4*) "the Commissioner" means, in Bombay, the Commissioner of Police or his deputy: and in Karachi such officer as the [2][Central Government] may appoint. "the Commissioner".

3. Any person who, without a licence from the Commissioner, acts as a pilgrim-broker shall be liable for each such offence to a fine which may extend to five hundred rupees. Penalty for acting as a pilgrim-broker without licence.

4. Subject to the orders of the [2][Central Government], the Commissioner may grant to such persons as he thinks fit licences to act as pilgrim-brokers. Persons may be licensed to act as pilgrim-brokers.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1886, Pt. V, p. 11; for Report of the Select Committee, *see ibid*, p. 172; and for Proceedings in Council, *see ibid*, p. 89 and *ibid*, 1887, p. 15.

[2] The words "Central Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

The said licences shall be granted on such conditions and subject to such restrictions and limitations for the honest and good behaviour of the licensees as Government may from time to time prescribe.

Licences what to specify;

5. Every licence so granted shall specify—

(*a*) the name and business-address of the licensee;

(*b*) the period for which it is to be in force;

(*c*) the conditions on which, and the restrictions and limitations subject to which, it is granted;

and shall be granted on payment [1][to the Central Government] of such fee, if any, as [2][that Government] may from time to time direct:

[3][Provided that, until provision to the contrary is made by the Central Legislature, all such fees shall be payable to the Provincial Government under this section as were being lawfully taken thereunder immediately before the commencement of Part III of the Government of India Act, 1935.]

Penalty for misbehaviour of licensed pilgrim-broker.

6. Any licensed pilgrim-broker who shall—

(*a*) commit a breach of any of the terms or conditions of his licence;

(*b*) purchase for or sell to any pilgrim a passage-ticket by any vessel to which the provisions of the [4][[5]Pilgrim Ships Act, 1895], apply, at any time before notice has been given by the master, owner or agent of such vessel, under section [6][8] of the said Act, of the date on which it is proposed that such vessel shall sail, and unless, in the case of any vessel, the proposed date of sailing is printed on the passage-ticket; XIV of 1895.

(*c*) charge a pilgrim more than the cost price of any passage-ticket, provisions or other articles purchased for him, or receive from him any fee or commission on account of such ticket;

(*d*) receive from the master, owner or agent of a vessel any fee or commission in respect of the sale of any ticket, exceeding five per centum of the price of such ticket;

(*e*) purchase for any pilgrim a passage-ticket, on which there is not printed the price charged by the master, owner or agent of the vessel for each class of accommodation;

(*f*) by fraud or by false representation as to the size of, or accommodation on board, such vessels, or otherwise, or by any false pretence whatever, induce any person to purchase a passage-ticket;

shall be liable for each such offence to a fine which may extend to five hundred rupees.

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[1] The words "to the Central Government" were inserted by the Adaptation of Indian Laws Order in Council.

[2] The words "that Government" were substituted for the word "Government", *ibid.*

[3] This proviso was inserted, *ibid.*

[4] These words weres subtituted for the words "Native Passenger Ships Act, 1876," by s. 2 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. 5 of 1915).

[5] *See* now Act 21 of 1923.

[6] This figure was substituted for the word "seven" by s. 2 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. 5 of 1915.)

7. The Commissioner may suspend the licence of any pilgrim-broker pending inquiry into any accusation against him of misconduct for which, if proved, he would be liable to a penalty under the last preceding section, and may cancel any licence granted by him if the licensee is convicted of any offence under the said section or of any criminal offence. Power to suspend and cancel licenses.

8, 9 and **10.** [*Repealed by Act 20 of 1932, section 24 (1).*]

11, 12, 12A and **12B** [*Repealed by Act 14 of 1927, section 4.*]

13. Any master, owner or agent of any vessel carrying pilgrims, who shall issue any passage-ticket in excess of the number allowed by the certificate granted under section [1][11 of the [2]Pilgrim Ships Act, 1895], shall for every passage-ticket so issued be liable to a fine not exceeding four times the cost price of such ticket. Penalty for issue of tickets in excess.

XIV of 1895.

14. All passage-tickets shall be numbered consecutively according to the order of issue; and any master, owner or agent, who shall issue two or more tickets bearing the same number, shall be liable to a fine not exceeding one thousand rupees. Passage-tickets how to be numbered. Penalty for issue of tickets bearing same number.

XIV of 1895.

15. The provisions of sections [3][51, 52 and 54 of the [2]Pilgrim Ships Act, 1895], shall apply to all offences punishable, and to all penalties leviable, under this Act. Provisions of Pilgrim Ships Act, 1895, to apply to offences and penalties.

16. The penalties to which masters and owners of vessels are made liable by this Act shall be enforced only by information laid at the instance of the Commissioner. Penalties to be enforced only at the instance of the Commissioner.

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[1] These words and figures were substituted for the words and figures "ten of the Native Passenger Ships Act, 1876," by s. 6 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. 5 of 1915).

[2] *See* now Act 21 of 1923.

[3] These words and figures were substituted for the words and figures "thirty-nine, forty and forty-two of the Native Passenger Ships Act, 1876" by s. 7 of the Bombay Protection of Pilgrims (Amendment) Act, 1915 (Bom. 5 of 1915).

THE BOMBAY PREVENTION OF GAMBLING ACT, 1887.

CONTENTS.

PREAMBLE.

Sections.

1. Short title.
   Extent.
2. [*Repealed.*]
3. "Gaming" defined.
   "Instruments of gaming" defined.
   "Common gaming house" defined.
4. Keeping common gaming-house.
5. Gaming in common gaming-houses.
6. Entry, search etc. by Police officers in gaming-houses.
7. Presumptive proof of keeping or gaming in common gaming-house.
8. On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed.
9. Proof of playing for money not required for conviction.
10. Indemnification of persons concerned who are examined as witnesses.
11. Payment of portion of fine to informer.
12. Power to arrest without warrant for gaming, and setting birds and animals to fight in public streets.
    Seizure and destruction of instruments found.

12A. Power to arrest without warrant for printing, publishing or distributing any news or information.

13. Saving of games of mere skill.

SCHEDULE. [*Repealed.*]

BOMBAY ACT No. IV OF 1887.[1]

[THE BOMBAY PREVENTION OF GAMBLING ACT, 1887.]

[*5th January, 1888.*]

Repealed in part, by Act 16 of 1895

Amended by Bom. 1 of 1890;
" " " 1 of 1910;
" " " 6 of 1919;
" " " 5 of 1922;
" " " 5 of 1926;
" " " 14 of 1929;
" " " 3 of 1931;
" " " 12 of 1934;
" " " 1 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 2 of 1941.*
" " " 17 of 1945.†
" " " 37 of 1947.

An Act to consolidate and amend the law for the prevention of Gambling in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law for the prevention of gambling in the Presidency of Bombay; It is enacted as follows :— Preamble.

1. This Act may be cited as the Bombay Prevention of Gambling Act, 1887. Short title.

It extends to the City of Bombay, to the Island of Salsette, to all [2][railways and] railway station houses without the said city and island, and to all places not more than three miles distant from any part of such station houses, respectively, and all or any of its provisions may be [3]extended from time to time by the [4][Provincial Government], by an order published in the [5][Official Gazette], to any local area in the Presidency of Bombay. Extent.

The [4][Provincial Government] may from time to time, by an order published as aforesaid, cancel or vary any order made by [6][it] under this section.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1887, Pt. IV, p. 12; for Report of the Select Committee, *see ibid*, p. 239, and for Proceedings in Council, *see ibid*, pp. 215 and 244.

[2] These words were inserted by Schedule I, Part II, Serial No. 13 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[3] For notification extending the Act, *see* Bombay Local Rules and Orders.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid*.

[6] The word "it" was substituted for the word "him", *ibid*.

* This Act was re-enacted by Bom. 37 of 1947, s. 2.

† This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

2. [*Repeal of enactments.*] *Rep. Act XVI of 1895.*

"Gaming" defined.

3. [1][In this Act "gaming" includes wagering or betting except wagering or betting upon a horse-race, when such wagering or betting takes place—

(*a*) on the day on which such race is to be run, and

(*b*) in an enclosure which the licensee of the race-course, on which such race is to be run, has set apart for the purpose under the terms of the licence issued under section 4 of the Bombay Race-Courses Licensing Act, 1912,[2] in respect of such race-course, and Bom. III of 1912.

[3](*c*) between any individual in person, being present in the enclosure, on the one hand, and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other hand [4][or between any number of individuals in person] in such manner and by such contrivance as may be permitted by such licence;

but does not include a lottery.

Any transaction by which a person in any capacity whatever employs another in any capacity whatever or engages for another in any capacity whatever to wager or bet whether with such licensee or with any other person shall be deemed to be 'gaming': Provided, nevertheless, that such licensee may employ servants, and persons may accept service with such licensee, or wagering or betting in such manner or by such contrivance as may be permitted in such licence.] [5][The collection or soliciting of bets, receipt or distribution of winnings or prizes in money or otherwise in respect of wagering or betting or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution shall be deemed to be 'gaming'.]

"Instruments of gaming" defined.

[6][In this Act the expression "instruments of gaming" includes any article used [7][or intended to be used] as a subject or means of gaming, [8][[9]* any document used [7][or intended to be used] as a register or record or evidence of any gaming] [10][the proceeds of any gaming, and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming.]

"Common gaming-house" defined.

In this Act "common gaming-house" means a house, room or place in which [11][any] instruments of gaming are kept or used for the profit or gain of the person owning, occupying, [12][or keeping such house, room or place or of the person using such house, room or place whether he has a right to use the same or not, such profit or gain being either by way of a charge for the use of the instruments of gaming or of the house, room or place or otherwise howsoever.]]

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[1] This definition was substituted by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[2] *Infra.*

[3] Clause (*c*) was substituted for the original clause by Bom. 3 of 1931, s. 2.

[4] These words were inserted by Bom. 12 of 1934, s. 2.

[5] These words were inserted by Bom. 1 of 1936, s. 2 (*1*).

[6] This definition was inserted by s. 1 of the Act to amend the Bombay Prevention of Gambling Act, 1890 (Bom. 1 of 1890.)

[7] The words "or intended to be used" were inserted by Bom. 1 of 1936, s. 2 (*2*) (*i*).

[8] These words were added by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[9] The word "and" was omitted by Bom. 1 of 1936, s. 2 (*2*) (*ii*).

[10] These words were added, *ibid*, s. 2 (*2*) (*iii*).

[11] This word was substituted for the words "cards, dice, tables, or other" by s. 2 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[12] This portion was substituted by Bom. 2 of 1941, s. 2, read with Bom. 37 of 1947, s. 2.

Keeping common gaming-house.

4. Whoever—

(*a*) [1][opens, keeps or uses any house, room or place], for the purpose of a common gaming-house,

(*b*) being the owner or occupier of any such house, room or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid,

(*c*) has the care or management of, or in any manner assists in conducting the business of, any such house, room or place opened, occupied, kept or used for the purpose aforesaid,

(*d*) advances or furnishes money for the purpose of gaming with persons frequenting any such house, room or place,

[2][shall, on conviction, be punishable with imprisonment which may extend to six months and with fine :

Provided that—

(*a*) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees ;

(*b*) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees ; and

(*c*) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees.]

Gaming in common gaming-houses.

5. [3][Whoever is found in any common gaming-house gaming or present for the purpose of gaming, [4][shall, on conviction, be punishable with imprisonment which may extend to six months and with fine :

Provided that—

(*a*) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees ;

(*b*) for a second offence such imprisonment shall not be less than three months and fine shall not be less than two hundred rupees ; and

(*c*) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than two hundred rupees.]

Any person found in any common gaming-house during any gaming [5]* * therein shall be presumed, until the contrary [6][is proved], to have been there for the purpose of gaming.

Entry, search, etc., by police officers in gaming-houses.

[7]**6.** It shall be lawful for a Police officer—

(*i*) in [8][the Greater Bombay] not below the rank of a Sergeant or Sub-Inspector and either empowered by general order in writing or authorised in each case by special warrant issued by the Commissioner of Police, and

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[1] These words were substituted by Bom. 2 of 1941, s. 3 read with Bom. 37 of 1947, s. 2.

[2] This portion was substituted by Bom. 37 of 1947, s. 3.

[3] This paragraph was substituted by s. 3 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[4] This portion was substituted by Bom. 37 of 1947, s. 4.

[5] The words "or playing", were repealed by s. 3 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[6] The words "is proved" were substituted for the words "be made to appear" by Bom. 1 of 1936, s. 4 (*3*).

[7] Section 6 was substituted for the original section, *ibid*, s. 5.

[8] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

(*ii*) elsewhere not below the rank of a Sub-Inspector of Police authorised by special warrant issued in each case by a Magistrate of the First Class or a District Superintendent of Police or by an Assistant or Deputy Superintendent of Police specially empowered by [1][the Provincial Government] n this behalf,—

(*a*) to enter, with the assistance of such persons as may be found necessary, by night or by day, and by force, if necessary, any house, room or place which he has reason to suspect is used as a common gaming-house,

(*b*) to search all parts of the house, room or place which he shall have so entered, when he shall have reason to suspect that any instruments of gaming are concealed therein, and also the persons whom he shall find therein whether such persons are then actually gaming or not,

(*c*) to take into custody and bring before a Magistrate all such persons,

(*d*) to seize all things which are reasonably suspected to have been used or intended to be used for the purpose of gaming, and which are found therein :

Provided that no officer shall be authorised by special warrant unless the Commissioner of Police, the Magistrate, the District or Assistant or Deputy Superintendent of Police concerned is satisfied, upon any complaint made before him on oath and upon making such inquiry as he may think necessary, that there are good grounds to suspect the said house, room or place to be used as a common gaming-house.

Presumptive proof of keeping or gaming in common gaming-house.

[2]7. When any instrument of gaming has been seized in any house, room or place entered under section 6 or about the person of any one found therein, and in the case of any other thing so seized if the court is satisfied that the Police officer who entered such house, room or place had reasonable grounds for suspecting that the thing so seized was an instrument of gaming, the seizure of such instrument or thing shall be evidence, until the contrary is proved, that such house, room or place is used as a common gaming-house and the persons found therein were then present for the purpose of gaming, although no gaming was actually seen by the Magistrate or the Police officer or by any person acting under the authority of either of them.

On conviction for keeping or gaming in common gaming-house, instruments of gaming may be destroyed.

8. On conviction of any person for opening, keeping or using a common gaming-house, [3]* * or gaming therein, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein or on the persons of those who were found therein, to be forthwith destroyed [4][or forfeited],

and may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and the proceeds thereof, with all moneys seized therein, to be forfeited ; or, in his discretion, may order any part of such proceeds and other moneys to be paid to any person appearing to be entitled thereto.

Proof of playing for money not required for conviction.

9. It shall not be necessary, in order to convict a person of any offence against any of the provisions of sections 4 and 5, to prove that any person found [5][gaming] was playing for any money, wager or stake.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Section 7 was substituted for the original section by Bom. 1 of 1936, s. 6.

[3] The words "or playing" were repealed by s. 5 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[4] The words "or forfeited" were added by Bom. 1 of 1936, s. 7.

[5] This word was substituted for the words "playing at any game" by s. 6 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

Indemnification of persons concerned who are examined as witnesses.

10. Every person who shall have been concerned in any gaming contrary to this Act, and who shall be examined as a witness by or before a Magistrate on the trial of any charge against the owner, keeper or occupier or other person having the care or management of any common gaming-house, touching such gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Payment of portion of fine to informer.

11. The Magistrate trying any case under the provisions of sections 4 and 5 may direct any portion, not exceeding one-fourth, of any fine which may be levied under either of the said sections, or any part of the proceeds of articles or moneys seized and ordered to be forfeited under section 8, [1][to be sent in [2][the Greater Bombay] to the Commissioner of Police and elsewhere to the District Superintendent of Police for distribution as reward in such manner as he may think proper, among the persons, not being Police officers, who may have given assistance in the detection or investigation of the offence.]

Power to arrest without warrant for gaming, and setting birds and animals to fight in public streets.

12. A Police-officer may apprehend [3][and search] without warrant—

(*a*) any person found [4][gaming] [5][or reasonably suspected to be gaming] in any public street, [6][or thoroughfare, or in any place to which the public have or are permitted to have access] [7][or in any race-course];

(*b*) any person setting any birds or animals to fight in any public street, [6][or thoroughfare, or in any place to which the public have or are permitted to have access];

(*c*) any person there present aiding and abetting such public fighting of birds and animals.

Any such person shall, on conviction, be [8][punishable] with fine which may extend to [9][three hundred rupees], or with imprisonment which may extend

[1] These words were substituted for the words "to be paid to an informer" by Bom. 1 of 1936, s. 8.

[2] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[3] The words "and search" were inserted by s. 9 (*1*) of Bom. 1 of 1936.

[4] This word was substituted for the words "playing for money or other valuable thing with cards, dice, counters or other instruments of gaming used in playing any game, not being a game of mere skill" by s. 7 of the Bombay Prevention of Gambling (Amendment) Act, 1919 (Bom. 6 of 1919).

[5] The words "or reasonably suspected to be gaming" were inserted by Bom. 1 of 1936, s. 9 (*2*).

[6] These words were substituted for the words "place or thoroughfare" by Schedule I, Part II, Serial No. 14 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[7] These words were added by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[8] The word "punishable" was substituted for the word "punished" by Bom. 1 of 1936, s. 9 (*3*).

[9] The words "three hundred rupees" were substituted for the words "fifty rupees", *ibid*, s. 9 (*4*).

to [1][three months] [2][and where such gaming consists of wagering or betting or of any such transaction as is referred to in the definition of gaming given in section 3, any such person so found gaming shall, on conviction, be [3][punishable] in the manner and to the extent referred to in section 4, and all moneys found with such person shall be forfeited.]

Seizure and destruction of instruments found.

And such Police-officer may seize all birds and animals and [4][things reasonably suspected to be instruments of gaming] found in such public street, [5][thoroughfare, [6][place or race-course]] or on [7][or about] the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold and the proceeds forfeited. [8][When any thing has been found on or about any person and a court is satisfied that the Police-officer had reasonable grounds for suspecting that such thing was an instrument of gaming, such circumstance shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.]

Power to arrest without warrant for printing, publishing or distributing any news or information.

[9]**12A.** A Police-officer may apprehend without warrant any person who prints, publishes, sells, distributes or in any manner circulates any newspaper, newssheet or other document or any news or information with the intention of aiding or facilitating gaming.

Any such person shall, on conviction, be punishable in the manner and to the extent referred to in section 4.

And any police officer may enter and search any place for the purpose of seizing, and may seize all things reasonably suspected to be used or to be intended to be used, for the purpose of committing an offence under this section.

Saving of games of mere skill.

13. Nothing in this Act shall be held to apply to any game of mere skill wherever played.

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[1] The words "three months" were substituted for the words "one month" by Bom. 1 of 1936, s. 9 (*5*).

[2] These words were added by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[3] The word "punishable" was substituted for the word "punished" by Bom. 1 of 1936, s. 9 (*3*).

[4] These words were substituted for the words "instruments of gaming", *ibid*, 9 (*6*).

[5] These words were substituted for the words "place or thoroughfare" by Schedule I, Part II, Serial No. 14 of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[6] These words were substituted for the words "or place" by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. 5 of 1922).

[7] The words "or about" were inserted by Bom. 1 of 1936, s. 9 (*6*).

[8] This paragraph was added, *ibid*, s. 9 (*7*).

[9] Section 12A was inserted, *ibid*, s. 10.

SCHEDULE.

[ENACTMENTS REPEALED.]

Repealed by Act XVI of 1895.

THE MATADARS ACT, 1887.

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PREAMBLE.

Sections.

1. Short title.
   Extent
   Commencement.

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26. Deputies to be appointed for period of their principal's term of office.

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BOMBAY ACT No. VI OF 1887.[1]

[THE MATADARS ACT, 1887.]

[*30th January, 1888.*]

Amended by Bom. 3 of 1890;
" " " 3 of 1910;
" " " 3 of 1915;
" " " 8 of 1922;
" " " 24 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to amend the Bombay Hereditary Offices Act so far as it relates to Matadars.

Bom. 111 of 1874. WHEREAS some portions of the [2]Bombay Hereditary Offices Act are found to be unsuited to matadars, and it is, therefore, expedient to amend the said Act and to enact special provisions for the regulation of the service of matadars; It is enacted as follows:— Preamble.

1. This Act may be cited as the Matadars Act, 1887. Short title.

It extends to the districts of Ahmedabad, Kaira, Broach and Surat; but the [3][Provincial Government] may, from time to time, by [4]notification in the [5][Official Gazette], extend its provisions to any village in the Panch Mahals District. Extent.

It shall come into force at once: Provided that every appointment to any patel's office to which this Act applies, made under the provisions of the [2]Bombay Hereditary Offices Act, or of [6]Act No. XI of 1843 (*an Act for regulating the service of hereditary officers under the Presidency of Bombay*) and still in force, shall hold good— Commencement. Bom. 111 of 1874.

(*a*) until the time when, if this Act had not been passed, such appointment would become vacant, or until the expiry of two years from the coming of this Act into force, whichever first occurs, or,

(*b*) in the case of an appointment which has been made to have effect pending further orders, until such time as the Collector directs;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1884, Pt. V, p. 44; for Reports of the Select Committee, *see ibid*, 1885, p. 39, and *ibid*, 1887, p. 195, and for Proceedings in Council, *see ibid*, 1885, p. 27, *ibid*, 1886, p. 94, and *ibid*, 1887, pp. 205 and 219.

[2] *Supra*.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] For such extension, *see Bombay Government Gazette*, 1913, Pt. I, p. 922.

[5] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] Act 11 of 1843 is repealed by Bom. 3 of 1874.

and a fresh appointment under this Act in lieu of any such appointment as aforesaid shall only be made to have effect from the time when the latter appointment ceases to hold good.

Definitions.

2. In this Act, unless there be something repugnant in the subject or context,—

(*1*) "matadar family" means a family to which the office of village patel, or some share in the discharge of the duties or in the exercise of the powers ordinarily appertaining to that office, belongs hereditarily;

(*2*) "mata" means the aggregate of the rights, privileges and responsibilities vesting in a matadar family as such;

(*3*) "member of a matadar family" does not include a female, or a person claiming through a female, whilst such female or person is, under section 2 of Act No. V of 1886 (*an Act to amend Bombay Act III of 1874*), postponed in the order of succession to the mata, or part thereof or interest therein, to a male member of the family;

(*4*) "matadar" means a member of a matadar family whose name is entered in the register kept under section 5, and includes a representative matadar;

(*5*) "representative matadar" means a member of a matadar family whose name is entered as a representative matadar in the said register;

(*6*) "senior heir" means the heir who first acquired the right of inheritance, whether by birth, marriage or otherwise;

Expressions defined in the Bombay Land-revenue Code.

(*7*) any word or expression which is defined in the [1]Bombay Land Revenue Code, 1879, and is not hereinbefore defined, shall have the meaning given to it by that Code; Bom. V of 1879.

[2][(*8*) in determining who is the heir to a matadar for the purposes of this Act, the rule of lineal primogeniture shall be presumed to prevail in the matadar family.]

Modifications of Bombay Act III of 1874.

3. In applying the [1]Bombay Hereditary Offices Act as amended by Bombay Act No. V of 1886 (*an Act to amend Bombay Act III of 1874*), and section 2 of the last-mentioned Act, to matadars, the term "watan" shall be deemed to mean all and each of the matas of a village, and a member of a matadar family shall be deemed to be a watandar, and the said Act, as so amended, shall be read subject to the following modifications, namely:— Bom. III of 1874.

(*1*) sections 24 to 31, both inclusive, 36 to 59, both inclusive, 61, 62, 67, 69, 71, and clause (*2*) of section 73, and so much of section 73 as relates to orders passed under Part VI or Part VII or section 58 of the said Act, and in section 4 the definitions of "watandar" and "representative watandar," shall be deemed to be repealed;

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[1] *Supra.*

[2] This clause was added by s. 3 (*1*) of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

(2) in sections 33 and 34, the words "the coming into force of this Act" shall be taken to mean the coming into force of this present Act, and the word "matadar" shall be substituted for the words "registered representative watandar" and "watandar" wherever they respectively occur;

(3) for the first four words of section 60, the words "when any person elected to officiate or a representative matadar" shall be deemed to be substituted.

Bom. III of 1874. **4.** Subject to the provisions of the last preceding section, this Act shall be read as one with the [1]Bombay Hereditary Offices Act. Construction.

Of the Register.

5. In the register of lands and allowances in consideration of which liability to perform service still exists, kept under section 65 of the [1]Bombay Hereditary Offices Act the Collector shall specify for every village in which there are matadars:— Bom. III of 1874. Matadars' service register what to contain.

(a) the number of distinct matadar families in the village separately recognized in the Collector's records;

(b) the name of the representative matadar of each matadar family to which a right to hold the office of patel appertains;

(c) the name of every other person directed by the Collector to be entered in the register under section 7 or 9;

(d) where there are more representative matadars than one, the order of rotation in which, failing the appointment of an officiator by election, the right to the patel's office is to vest in the said representative matadars;

(e) the number of persons required to officiate as patels contemporaneously;

(f) a description of the service lands held by each matadar family, showing the area, survey numbers and the assessment thereof, together with the quit-rent, if any, payable, and the net amount of revenue alienated by [2][the Provincial Government];

(g) the amount and nature of the cash or other allowances, if any, held by each matadar family;

(h) the watan property or profits assigned under section 23 of the Bombay Hereditary Offices Act for the emoluments of officiators; Bom. III of 1874.

(i) such other particulars as [2][the Provincial Government] from time to time direct.

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[1] *Supra.*

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

The said register shall be amended from time to time whenever any change is made in any of the particulars therein specified in accordance with the provisions of this Act or of the Bombay Hereditary Offices Act. Bom. III of 1874.

Right to patel's office to appertain ordinarily to every matadar family; but exclusive right may be declared by Provincial Government to appertain to one matadar family.

6. In every village in which there are two or more distinct matadar families separately recognized in the Collector's records, a right to hold the office of patel shall ordinarily be deemed to appertain to each of the said families:

Provided that it shall be competent to the [2][Provincial Government], to declare, if, upon consideration of the past history of the tenure of the office in any village, and of the circumstances, so far as known, under which the village was founded, it shall appear to [3][it] equitable so to do, that the right to the patel's office in such village appertains [4][to one or more than one of such families to the exclusion of the remainder of such families, and shall vest in such order as [5][it] may thereby determine, and every such declaration shall be conclusive evidence of the rights thereby affirmed.]

Determination of matadars.

7. In the register prepared under section 5 the Collector shall enter the name of every member of a matadar family contained in any list of matadars made under the orders of [6][the Provincial Government] subsequent to the year 1866:

Provided that—

(*a*) if, for any village, no such list exists, or if, in respect of any matadar family, no person's name has been entered in any such list, or if at the time when this Act comes into force, there is any dispute pending as to the completeness or correctness of any such entry, the Collector shall hold a summary inquiry, and shall enter in the register the name of each member of a matadar family who shall appear to him to have been recognized in the records previous to the year 1867 as a matadar of the family for which such list or entry is wanting, or to which such dispute relates;

(*b*) if any person whose name should be entered in the register in accordance with any of the foregoing provisions is dead, the name of the heir next in succession, or, if there are two or more heirs of equal degree, the name of the senior heir, shall, subject to the provisions of section 2 of Bombay Act No. V of 1886 (*an Act to amend* [7]*Bombay Act III of 1874*), be entered in the register instead of his.

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[1] *Supra*.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The word "it" was substituted for the word "him", *ibid*.

[4] These words were substituted for the words "exclusively to one matadar family, and every such declaration shall be conclusive evidence of the exclusive right thereby affirmed" by s. 1 of the Matadars Act Amendment Act, 1890 (Bom. 3 of 1890).

[5] The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

[6] The words "the Provincial Government" were substituted for the word "Government", *ibid*.

[7] The Bombay Hereditary Offices Act, 1874, *supra*.

8. (*1*) The name of one matadar shall be entered in the said register as the representative matadar of each matadar family to which a right to hold the office of patel appertains. Determination of representative matadars.

(*2*) For every such matadar family of which there is only one matadar, the said matadar shall be the representative matadar.

(*3*) If there are two or more matadars of any such matadar family, the Collector shall, as soon as may be after the passing of this Act, enter in the said register as representative matadar of the matadar family such one of the said matadars as shall appear to him to be the head of the matadar family.

9. On the death of a representative or other matadar, the fact shall be reported by the village-officers to the Collector, and the name of the heir next in succession, or, if there are two or more heirs of equal degree, the name of the senior heir, shall, subject to the provisions of section 2 of Bombay Act No. V of 1886 (*an Act to amend* [1]*Bombay Act III of 1874*), [2][and to any declaration under the proviso to section 6 of this Act] be registered in his stead : Name of heir to be registered when a matadar dies.

[3][Provided that, in any case where the deceased matadar was not a sole representative matadar, if the heir next in succession is not a member of the branch of the matadar family to which the deceased matadar belonged but is another matadar of the same village, or is a member of the branch of another matadar of the same village, the share entered in the register against the name of the deceased matadar shall—

(*a*) if there is only one remaining representative matadar of the same village who is descended from the same original matadar as the deceased, pass to that remaining representative matadar,

(*b*) if there are more than one such remaining representative matadars, be divided among such remaining representative matadars in proportion to their shares,

and the register shall be corrected accordingly.]

10. If at any time any person shall, by production of a certificate of heirship, or of a decree or order of a competent Court, satisfy the Collector that he is entitled to have his name registered under section 7 (*b*) or section 9 in preference to the person whose name the Collector has ordered to be registered, the Collector shall cause the entry in the register to be amended accordingly. Amendment of the register.

Of Service.

11. Every matadar shall be bound, when so required by the Collector, to perform the duties customarily discharged by matadars, and shall have the privilege of signing the abstract of village-lands and revenues, and such other village-records as it may be customary for matadars to sign. Duties and privileges of matadars, as such.

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[1] The Bombay Hereditary Offices Act, 1874, *supra*.

[2] These words were inserted by s. 3 (*2*) (*a*) of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[3] This proviso was added by s. 3 (*2*) (*b*), *ibid*.

Area to which matadars' functions extend may in certain cases be reduced.

12. If within the limits of any village in which there are matadars a new village or hamlet has been, or shall hereafter at any time be, formed, it shall be competent to the Collector, with the previous sanction of [1][the Provincial Government], to exclude the limits of such new village or hamlet from the area to which the functions of the said matadars extend.

Number of officiators requisite for patel's office to be fixed by the Collector.

13. The Collector may fix at his discretion, from time to time, the number of officiators requisite for the due discharge of the duties of every patel's office.

Right to office to vest in representative of families whose rights declared.

[2][14. In every village in which the [3][Provincial Government] makes a declaration under section 6, the right to the office of patel shall vest to the exclusion of all other matadars in the representative of each of the families whose rights are thereby declared, in such order as may therein be determined.]

In every other case right of office to be enjoyed by matadar families in rotation.

15. In every other village the right to the patel's office vest in each of the matadar families entitled thereto in rotation.

Determination of order of rotation.

16. For the purpose of determining the order in which the said right shall vest in the said families, the Collector shall, as soon as may be after this Act comes into force, by written notice, require the matadars of the village to assemble in his presence.

On failure of majority of matadars to agree, Collector to determine order by lot.

If a majority of the matadars present in accordance with the said notice do not agree to some order of rotation, the order shall be forthwith determined by the Collector by lot, in the presence of the assembled matadars, in such manner as he shall think fit:

Proviso.

Provided that if, in the course of any proceeding held under the [4]Bombay Hereditary Offices Act, an order of rotation for service of the representative watandars of the same families has been already settled by lot or by agreement of the parties, the order so settled shall hold good for the purpose of the last preceding section. Bom. III of 1874.

When officiator may be elected by matadars.

17. On or in anticipation of the occurrence of a vacancy in the office of patel in any village to which section 15 applies, the matadars of the village [5][who are not deprived of the right of voting under sub-section (2) of section 30] may elect some member of the matadar family whose turn it is to enjoy the right of office to fill the vacancy.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Section 14 was substituted by s. 2 of the Matadars (Amendment) Act, 1890 (Bom. 3 of 1890).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] Supra.

[5] These words and figures were inserted by s. 2 of the Matadars (Amendment) Act, 1922 (Bom. 8 of 1922).

If a majority of the said matadars fail, within such reasonable period as shall be prescribed by the Collector in this behalf, to nominate some member of the matadar family aforesaid for the vacancy, or, if the person nominated is disqualified for office, the right of office shall vest in the representative matadar of the said family.

Failing election of officiator by matadars, right of office to vest in representative matadar.

18. Elections under the last preceding section shall be held in accordance with such rules[1] as the [2][Provincial Government], by notification in the [3][Official Gazette], from time to time, prescribes in this behalf.

Rules for elections to be prescribed by Provincial Government.

19. Every representative matadar in whom the right of office vests under section 14 or 17 shall ordinarily be required by the Collector, if he is not disqualified for office, to officiate in person; but the Collector may, if he thinks fit, dispense with his personal service.

Representative matadar must ordinarily officiate in person.

If, in any village to which section 15 applies, the representative matadar of the family whose turn it is to enjoy the right of office declines, when so required by the Collector, to officiate in person, the turn to enjoy the said right shall pass to the matadar family next in the settled order of rotation.

On refusal by one representative matadar to officiate in person, turn to enjoy right of office to pass.

A representative matadar who declines, whilst officiating, to forsake some other employment which, in the opinion of the Collector, is incompatible with the due discharge of the duties of the patel's office, or fails when so required by the Collector to reside in the village for which he is appointed, shall be deemed to decline to officiate in person.

Other employment when prohibited to representative matadars. Failure to reside in village.

20. A deputy may be appointed at any time—

When deputy may be appointed by representative matadar.

(*a*) by a representative matadar who is, or who whilst officiating in person becomes, disqualified for office; and

(*b*) with the Collector's permission, by a representative matadar who does not wish to officiate or to continue to officiate in person, although not disqualified for office; and

(*c*) by a sole representative matadar, who proposes to officiate or is already officiating in person, when one or more other officiators are necessary:

[4][Provided that no representative matadar who is disqualified under clauses (*f*), (*g*) or (*h*) of sub-section (*1*) of section 30 shall be entitled to appoint a deputy.]

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[1] *See* Bombay Local Rules and Orders.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "Official Gazette" were substituted for the words "Bombay Government Gazette", *ibid.*

[4] This proviso was inserted by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

Removal of deputy.

A deputy appointed by a representative matadar may at any time be removed from office by the Collector at the request of the representative matadar, if, in the opinion of the Collector, there are good reasons for such request.

Procedure when appointment of deputy has to be made by a representative matadar.

21. When an appointment of a deputy has to be made by a representative matadar, the Collector shall, by written notice, require him to nominate a fit person to be his deputy within twenty days from the date of service of the said notice.

Should the representative matadar fail, within the said period, to nominate any person, or if the person he nominates is not a member of a matadar family of the same village, or is disqualified for office, the Collector may, in his discretion, extend the period of nomination for a further term of ten days.

If within the prescribed period of twenty days, or, when the Collector extends the period, within the extended term, no person is nominated by the representative matadar, or the person nominated by him is not a member of a matadar family of the same village, or is disqualified for office, the turn to enjoy the right of office shall, [1][pass to the representative matadar or matadar family next in the settled order of rotation according as section 14 or section 15 applies to the village.]

Appointment of deputy when to be made by Collector.

22. If a sole representative matadar declines, when so required by the Collector, to officiate in person, or fails to appoint a fit person to be his deputy in accordance with the provisions of the last preceding section, the Collector shall appoint a deputy.

Such deputy ordinarily to be member of matadar family.

A deputy so appointed by the Collector shall ordinarily be a member of the matadar family of the village for which he is appointed, but, [2][if there is no member of such family fit and willing to officiate, any other person may be appointed.]

Procedure where a disqualified representative matadar is not entitled to appoint a deputy.

[3][**22A.** When a representative matadar whose turn it is to enjoy the right of office is disqualified for office under clauses (*f*), (*g*) or (*h*) of sub-section (*1*) of section 30, he shall be deemed to have failed to appoint a deputy, and the turn of office shall pass in accordance with section 21, or a deputy shall be appointed by the Collector in accordance with section 22, as the case may be.]

Guardian may act on behalf of matadar legally incompetent.

23. If a matadar is under eighteen years of age or if disabled by lunacy or imbecility of mind, the guardian or other legal curator of his person may act in his behalf in any of the matters provided for in sections 16, 17, 20 and 21.

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[1] These words and figures were substituted for the words and figures "in a village to which section 15 applies, pass to the matadar family next in the settled order of rotation" by Bom. 3 of 1910, s. 3.

[2] These words were substituted for the words "with the previous sanction of Government, may be any other person", *ibid.*

[3] Section 22A was inserted, *ibid.*

24. The term of office of a sole representative matadar shall be for life if the representative matadar shall not in the meantime become disqualified for office.

Term of office of sole representative matadar, and of an elected officiator.

The term of office of a person elected under section 17 shall be for five years or for such longer period as a majority o. the matadars shall at the time of election desire if the person elected shall not in the meantime die or become disqualified for office.

The desire of the matadars as to the duration of the term of office of any person elected by them under section 17 shall be ascertained in accordance with the rules prescribed under section 18 for determining nominations.

25. The term of office of a representative matadar in whom the right of office vests on failure of an election under section 17 shall be—

Term of office of representative matadar entitled to office on failure of election.

(*a*) five years, when the number of representative matadars exceeds nine;

(*b*) seven years, when the number of representative matadars exceeds four but does not exceed nine;

(*c*) ten years, when the number of representative matadars does not exceed four.

26. A deputy appointed by a representative matadar, or by the Collector in his stead, shall be appointed for the term, or for the residue of the term, of office of the representative matadars by or for whom he is so appointed; and, if a deputy dies or resigns or becomes disqualified for office during the said term, another deputy may be appointed for the residue of the said term in accordance with the provisions of sections 21 and 22:

Deputies to be appointed for period of their principal's term of office.

Provided that—

(*a*) if a representative matadar who has appointed a deputy because he himself was disqualified for office, or because he did not wish to officiate in person, subsequently at any time during his term of office wishes to officiate in person, he may, if he is not then disqualified for office, be permitted so to do by the Collector.

(*b*) if a representative matadar dies during his term of office, the deputy, if any officiating in his stead shall cease to officiate, and the successor of the representative matadar shall, subject to the provisions of section 19, officiate in person for the residue of the said term, or a deputy shall be appointed by him or by the Collector in his stead for the said period, according to the provisions of sections 20, 21 and 22.

27. Notwithstanding anything hereinbefore contained to the contrary, no representative matadar in any village to which section 15 applies shall be permitted to commence to officiate in person, and no new deputy shall be appointed by or for a representative matadar in any such village during the last year of the term of office of such representative matadar.

No change of officiator to be permitted during last year of representative matadar's term of office.

If occasion arises during any such year for any change of an officiator in any such village there shall be deemed to be a vacancy in the office.

If occasion arises for any such change, office to be deemed vacant.

Appointment of temporary officiators by Mamlatdar or Mahalkari.

28. During any interval between the occurrence of a vacancy in a patel's office and its being filled up in accordance with the foregoing provisions, and during the time that any officiator is suspended, the [1][Mamlatdar or Mahalkari, as the case may be,] may appoint such person as he thinks fit, whether a member of a matadar family of the village or not, to officiate temporarily.

Officiators to retain substitutes during their absence or illness.

29. If an officiator is temporarily absent from his village, or is temporarily prevented by illness from discharging the duties of his office, he may depute some other fit person, whether a member of a matadar family of the village or not, to perform the said duties, but shall be responsible for the acts and omissions of the person so deputed as if they were his own acts and omissions.

Of the Disqualifications for the Patel's Office.

What persons to be deemed disqualified for office.

[2][30. (*1*)] The following persons shall be deemed to be disqualified for the patel's office, namely :—

(*a*) females ;

(*b*) persons under eighteen years of age ;

(*c*) any person who has not passed such educational test, if any, as [3][the Provincial Government] think fit, from time to time, to prescribe in this behalf ;

(*d*) any person who has attained sixty years of age, except when such person's appointment or further continuance in office is specially permitted by the Collector.

(*e*) any person who, in the opinion of the Collector, is disabled by lunacy or imbecility of mind, or by deafness, blindness or other permanent infirmity of body ;

[4][(*ee*) any person who is considered by the Collector to be unfit for office on the ground that he is a wilful defaulter in respect of land-revenue or any sum expressly declared by any law for the time being in force recoverable as an arrear of land-revenue]

(*f*) any person who, [5]* * * * * * * * is adjudged by the Collector, after a summary inquiry, to be of general bad character ; [6][and whose disqualification on account of his being so adjudged has not been removed by an order which the Collector is hereby empowered to make in this behalf] ;

(*g*) any person who has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having subsequently been reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the [7][Commissioner] is hereby empowered to make, if he shall think fit, in this behalf ;

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[1] These words were substituted for the word "Collector" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] Section 30 was renumbered "30 (*1*)" by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] Clause (*ee*) was inserted by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[5] The words "at the time when he would otherwise be entitled to officiate" were deleted by Bom. 24 of 1936, s. 2, Schedule.

[6] These words were added, *ibid.*

[7] This word was substituted for the words "Governor in Council" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

(*h*) any person removed from office [1][or declared to be ineligible for re-employment] under section 31, except when such person's re-employment is expressly sanctioned by [2][the Commissioner].

Any officiator who during his term of office becomes disqualified for any of the above reasons shall cease to officiate.

[3][(*2*) Any matadar who is disqualified under clause (*f*) or clause (*g*) of sub-section (*1*) shall, so long as his disqualification has not been removed as aforesaid, be deprived of any right which he would otherwise have of voting at an election of an officiator, or of appointing a deputy to officiate.]

Of Penalties.

Punishment of matadars and officiators by fine, and of officiators by suspension or removal from office.

31. Any matadar who shall neglect or refuse to comply with any order made by the Collector under section 11, and any matadar or officiator who shall be careless or negligent in the discharge of his duties, may be punished by the Collector, for each such offence, by fine which may extend to one-fourth part of the annual emoluments of such matadar or officiator.

If an officiator shall be accused of any misconduct which shall seem to the Collector to require a severer punishment than that aforesaid, the Collector may suspend him from office during investigation into such accusation, and, after holding a summary inquiry, may, if he consider the officiator guilty of misconduct meriting such punishment, suspend him from office for a further period not exceeding six months, or, if fraud or wilful framing of incorrect records or other grave misconduct or offence is proved against him, may, with the previous sanction of [4][the Provincial Government], remove him from office, [5][or, if he has ceased to officiate, may declare that he is ineligible for re-employment without the sanction of [4][the Provincial Government].

Disabilities of representative matadar removed from office.

When a representative matadar has been so removed from office, he shall, if [4][the Provincial Government] so direct, be deprived for the rest of his life of any right which he would otherwise have of voting at an election of an officiator, [6]* * * *.

Forfeiture of life interest of representative matadar in case of removal from office.

If any representative matadar or deputy is removed from office under this section, the [7][Provincial Government] may direct the forfeiture of the life interest in the mata of the representative matadar so removed from office, or of the representative matadar by whom the deputy so removed from office was appointed, as the case may be.

Liability of officiator to criminal prosecution and suspension pending inquiry and trial.

32. Nothing in the last preceding section shall affect the liability of an officiator to a criminal prosecution for any offence which he may be accused of having committed; and the Collector may suspend any officiator subjected to any such prosecution pending the inquiry and trial, and at its close may take the proceedings and the finding of the Criminal Court into his consideration for the purpose of dealing with the case under the last preceding section.

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[1] These words were inserted by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[2] These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[3] Sub-section (2) was substituted for the original sub-section by Bom. 24 of 1936, s. 2, Schedule.

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] These words were added by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. 3 of 1910).

[6] The words "or of appointing a deputy to officiate; and, if any representative matadar so deprived is a sole representative matadar, a deputy shall be appointed by the Collector, subject to the provisions of paragraph 2 of section 22 to officiate in his stead during his lifetime" were repealed, *ibid.*

[7] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

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BOMBAY ACT No. VII OF 1887.[1]

[THE TODA GIRAS ALLOWANCES ACT, 1887.]

[*28th April, 1888.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to declare and amend the Law relating to Toda Giras Allowances.

WHEREAS it is expedient to declare and amend the law relating to toda giras allowances; It is enacted as follows:—

1. This Act may be called the Toda Giras Allowances Act, 1887. Short title.

2. In this Act, "toda giras allowance" means a cash payment made periodically to any person on the part of [2][the Crown], or by or on the part of a holder of alienated land, under the name of *giras, wol, tora giras* or *toda giras*. "Toda giras allowance" defined.

3. Every toda giras allowance is continuable hereditarily to the lineal male heirs in male descent of the first recipient thereof under British rule: Toda giras allowance to be held hereditarily in male descent.

Provided that, on failure of such heirs, the allowance, or some portion thereof, shall, whenever the [3][Provincial Government] has already so directed, or shall hereafter so direct, be continuable hereditarily to the lineal male heirs in male descent of a brother of the first recipient of such allowance under British rule.

4. No mortgage, charge or alienation of a toda giras allowance, or of any part thereof, or of any interest therein, by any recipient of the same, shall be valid as to any time beyond such recipient's natural life. Mortgage, etc., of toda giras allowance.

5. No toda giras allowance shall be liable to attachment or sale in execution of a decree: Exemption of toda giras allowances from attachment and sale in execution of decrees.

Provided that any money due or likely to become due to a judgment-debtor on account of a toda giras allowance may be attached in execution of the decree against him, but such attachment shall not affect any money which becomes due on account of such allowance after such judgment-debtor's death.

6. (*1*) Nothing in this Act applies to a toda giras allowance which has already been alienated— Saving of toda giras allowances already alienated.

(*a*) if the instrument purporting or operating to effect such alienation has before the date on which this Act comes into force been registered under any law for the time being in force relating to the registration of documents; or

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1886, Pt. V, p. 99, and for Proceedings in Council, *see ibid*, 1887, pp. 16, 212 and 220.

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "Provincial Government", were substituted for the words "Governor in Council", *ibid*.

(*b*) if the said instrument, not being compulsorily registrable, and not having been registered under any such law as aforesaid, has been executed before the date on which this Act comes into force, and is presented for inspection, together with a copy thereof for record, at any time within six months after the said date, to the Collector of the district in which such allowance is payable; or

(*c*) if when such alienation has not been effected by an instrument, proof thereof is produced within the period and to the Collector aforesaid.

Collector how to proceed in respect of alienations notified to him under clauses (*b*) and (*c*).

(*2*) When any instrument is presented to a Collector under clause (*b*), he shall, before returning the same, endorse thereon, under his signature and official seal, the date of such presentation. When proof of an alienation is produced before a Collector under clause (*c*), he shall give to the alienee a certificate, under his signature and official seal, that the toda giras allowance so alienated is not subject to the provisions of this Act.

THE CITY OF BOMBAY MUNICIPAL ACT, 1888.

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204. Goods of defaulter may be distrained, wherever found.
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210. Summary proceedings may be taken against persons about to leave the city.
211. Defaulters may be sued for arrears, if necessary.
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220A. Vesting of water-courses.
221. Drains to be constructed and kept in repair by the Commissioner.
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223. Buildings, etc., not to be erected without permission over drains.
224. Alteration and discontinuance of drains.
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227. Power to connect drains of private streets with municipal drains.
228. Power of owners and occupiers of premises to drain into municipal drains.
229. Connections with municipal drains not to be made except in conformity with section 227 or 228.
229A. Buildings, etc., not to be erected without permission over any drains.
230. Right of owners and occupiers of premises to carry drains through land belonging to other persons.
230A. Owner of land to allow others to carry drains through the land.
231. Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.
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233. Commissioner may close or limit the use of existing private drains.
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234. New building not to be erected without drains.
235. Excrementitious matter not to be passed into cesspool.
236. Obligation of owners of drains to allow use thereof or joint ownership therein to others.
237. How right of use or joint ownership of a drain may be obtained by a person other than the owner.
238. Commissioner may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.
239. Sewage and rain-water drains to be distinct.
240. Drains not to pass beneath buildings.
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242. Right of corporation to drains, etc., constructed, etc., at charge of municipal fund on premises not belonging to the corporation.
243. All drains and cesspools to be properly covered and ventilated.
244. Affixing of pipes for ventilation of drains, etc.

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249. Power to require privy accommodation to be provided for factories, etc.
249A. Power of Commissioner as to unhealthy privies.
250. Provisions as to privies.
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297. Prescribing the regular line of a street.
298. Setting back buildings to regular line of the street.
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302A. Commissioner may call for further particulars.
302B. Commissioner may require plans to be prepared by licensed surveyor.
303. Laying out of land, private streets and buildings to be determined by Commissioner.
304. Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.
305. Levelling and draining of private streets.
306. Power to declare private streets, when sewered, etc., public streets.
307. Applicability of sections 305 and 306 when a street is in part public and in part private.

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308. Prohibition of projections upon streets, etc.
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309. Power to require removal or alteration of projections, etc., made, before Bombay Act III of 1872 came into force.
310. Projections over streets may be permitted in certain cases.
311. Ground-floor doors, etc., not to open outwards on streets.
312. Prohibition of structures or fixtures which cause obstruction in streets.
313. Prohibition of disposit, etc., of things, in streets.
313A. Licence for sale in public places.
313B. Licences for use of skill in handicraft or rendering services for purposes of gain in public place or street.
314. Commissioner may, without notice, remove anything erected in contravention of section 312, after it comes into force or deposited, etc., in contravention of section 313.
315. Power to require removal of any structure or fixture erected or set up before section 312 came into force.
316. Prohibition of the tethering of animals in the public streets.

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317. Commissioner may permit booths, etc., to be erected on streets on festivals.

Provisions concerning execution of works in or near to Streets.

318. Street when broken up for any municipal purpose to be restored without delay.
319. Commissioner may close street in which work is in progress.
320. Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

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321. Precautions to be taken for the public safety whilst municipal works are in progress in any street.
322. Streets not to be opened or broken up and building materials not to be deposited thereon without permission.
323. Precautions for public safety to be taken by persons to whom permission is granted under section 322.
324. Persons to whom permission is granted under section 322 must reinstate streets, etc.
325. Provisions to be made by persons to whom permissions is granted under section 322 for traffic, etc., when their works interrupt streets.
326. Hoards to be set up during work on any building adjacent to a street.

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327. Naming Streets and numbering of houses.

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328. Regulations as to sky-signs.
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329. Commissioner to take proceedings for repairing or enclosing dangerous places.

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330. Public streets to be lighted.
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332. Persons accidentally breaking lamp to repair the damage.
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334. Situation of gas-pipes, etc., may be altered by Commissioner.
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336. Measures for watering.

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338. Commissioner may require plans and other documents to be furnished.
339. Commissioner may require plans, etc., submitted under last preceding section, to be prepared by a licensed surveyor.
340. Additional information and the attendance of the person who gave the notice may be required.
341. Effect of non-compliance with requisition under section 338 or 340.

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342. Notice to be given to the Commissioner of intention to make additions, etc. to a building.
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344. Printed forms of notices to be supplied to the public.

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345. When building or work may be proceeded with.
346. Buildings or work which is disapproved by the Commissioner may be proceeded with, subject to terms.
347. When work may be commenced.
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347B. Building for human habitation not to be used as godown, etc.
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348. Provisions as to buildings which are to be newly erected.
349. Roofs and external walls of buildings not to be of inflammable material.
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349B. Height of buildings with reference to width of streets; proviso in case of set-back.
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350. Inspection of buildings in course of erection, alteration, etc.
351. Proceedings to be taken in respect of building or work commenced contrary to section 347.
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353. Enforcement of provisions concerning buildings and works.
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354. Removal of structures, etc., which are in ruins or likely to fall.

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354F. Considerations which shall prevail in making the scheme.
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354J. The Improvements Committee after publication and service of notices to forward the scheme to the corporation for approval.
354K. Corporation to consider the improvement scheme and to approve or disapprove.
354L. Commissioner to apply to Provincial Government for sanction to the scheme.
354M. On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration the Commissioner to be authorised to execute the scheme.
354N. If the corporation fail to acquire the land owner may call upon Committee to acquire it or to withdraw from the proposals.

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354O. The corporation to have power to make a police accommodation scheme.
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357. Fees and charges of licensed plumbers to be prescribed by the standing committee.
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360. Power to make regulations for fire-brigade.
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365. Commissioner to provide for cleansing of streets and removal of refuse.
366. Refuse, etc., to be the property of the corporation.
367. Provision and appointment of receptacles, depots and places for refuse, etc.
368. Duty of owners and occupiers to collect and deposit dust, etc.
369. Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter.
370. Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.
371. Halalkhor's duties in certain cases may not be discharged by private individuals without the Commissioner's permission.
372. Prohibition of—
failure to remove refuse, etc., when bound to do so;
removal of refuse, etc., contrary to orders, or without proper precautions;
failure to clear away any refuse, etc., which drops during removal;
leaving filth carts, etc., unnecessarily in the streets;
throwing or placing refuse, etc., in any place not assigned for the purpose;
allowing filthy matter to flow or soak from any premises, and keeping anything thereupon so as to create a nuisance.
373. Presumption as to offender under clause (*c*) of section 372.

Inspection and Sanitary Regulation of Premises.

374. Power to inspect premises for sanitary purposes.
375. Cleansing and lime-washing of any building may be required.
375A. Removal of building materials from any premises may be required.
376. Abandoned or unoccupied premises.
377. Neglected premises.
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377A. Nuisance arising from defective roof.
378. Buildings or rooms in buildings unfit for human habitation.
379. Power of Commissioner to call for statement of accommodation.
379A. Overcrowded dwellings.
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382. Dangerous quarrying may be stopped.
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384. Prohibitions as to keeping animals.
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386. Places for public bathing, etc., to be fixed by the Commissioner.
387. Regulation of use of public bathing-places, etc.
388. Prohibition of bathing, etc., contrary to order or regulation.
389. Prohibition of corruption of water by steeping therein animal or other matter, etc.

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390. Factory, etc., not to be newly established without permission of the Commissioner.
391. Furnaces used in trade or manufacture to consume their own smoke.
392. Sanitary regulation of factories, etc.
393. Prohibition of use of steam whistle or steam trumpet without permission of the Commissioner.
394. Certain things not to be kept, and certain trades and operations not to be carried on, without a licence.
395. Prohibition of corruption of water by chemicals, etc.
396. Inspection of premises used for manufactures, etc.
397. Regulation of washing of clothes by washermen;
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Maintenance and Regulation of Markets and Slaughter-houses.

398. What to be deemed municipal markets and slaughter-houses.
399. Provision of new municipal markets and slaughter-houses.
400. Municipal markets and slaughter-houses may be closed.
401. Prohibition of sale in a municipal market without licence of Commissioner.
402. Opening of new private markets.
403. Private markets not to be kept open without a licence.
404. Prohibition of sale in unauthorised private markets.
405. Provision for requiring private market buildings and slaughter-houses to be properly paved and drained.
406. Regulations to be framed for markets and slaughter-houses.
407. Levy of stallages, rents and fees in municipal markets and slaughter-houses.
407A. Removal of live cattle, sheep, goats or swine, from any municipal slaughter-house, market or premises.
408. Regulations and table of stallage-rents to be posted up in markets and slaughter-houses.
409. Power to expel persons contravening by-laws or regulations.

Sale of Articles of Food outside of Markets.

410. Prohibition of sale of animals, etc., except in a market.

Licensing of Butchers, etc.

411. Butchers and persons who sell the flesh of animals to be licensed.
412. Prohibition of import of cattle, etc., into the City without permission.
412A. Licence required for dealing in milk, etc.

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413. Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.
414. Commissioner to provide for inspection of articles exposed for sale for human food.
415. Unwholesome articles, etc., to be seized.
416. Disposal of perishable articles seized under section 415.
417. Disposal of animals and articles of a non-perishable nature seized under section 415.
417A. [*Repealed.*]
417B. Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.
417C. Application for summons to be refused if not applied for within reasonable time.

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418. [*Repealed.*]
419. [*Repealed.*]
420. [*Repealed.*]

Prevention of Spread of Dangerous Diseases.

421. Information to be given of existence of dangerous disease.
422. Any place may at any time be inspected for purpose of preventing spread of dangerous disease.
423. Prohibition of use for drinking of water likely to cause dangerous disease.
424. Commissioner may order removal of patients to hospitals.
425. Disinfection of buildings, etc.
426. Destruction of huts and sheds, when necessary.
426A. Second-hand clothing and bedding not to be brought into city without informing Commissioner and getting them inspected.
427. Place for disinfection may be provided ;
also for washing infected articles.
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428. Person suffering from dangerous disease not to enter a public conveyance without notifying the same.
429. Provision of carriages for conveyance of patients.
430. Provisions as to carriage of persons suffering from dangerous disease in public conveyances.
431. Public conveyance which has carried person suffering from dangerous disease to be disinfected.
432 Infected articles not to be transmitted, etc., without previous disinfection.
433. Infected building not to be left without being first disinfected.

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434. Commissioner may take special measures on outbreak of any dangerous disease.

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435. Places for disposal of the dead to be registered.
436. Provision of new places for disposal of the dead.
437. New places for disposal of the dead not to be opened without permission of Commissioner.

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438. Provincial Government may direct the closing of any place for the disposal of the dead.
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440. Burials within places of worship and exhumations not to be made without the permission of the Commissioner.
441. Acts prohibited in connection with the disposal of the dead.

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442. Appointment of registrars.
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444. Register-books to be supplied.
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446. Information of birth to be given within seven days.
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447. Information respecting finding of new-born child to be given.
448. Officers to be appointed to receive information of deaths at places for disposal of the dead.
449. Information of death to be given at the time when the corpse of the deceased is disposed of.
450. Medical practitioner who attended a deceased person to certify the cause of his death.
451. Preparation of register-books of deaths and of mortality returns, etc.
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454. Enumeration of inhabitants.
455. Commissioner to superintend the enumeration.
456. Delivery of blank schedules and returns.
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459. Military, naval and police officers and certain others, if required, to act as enumerators.
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460E. Conditions to be observed before new tramway is laid.
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466. Proposed by-laws to be open to public inspection.
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469. Boards for exhibiting by-laws to be open to inspection and not to be injured.
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474. Punishment for acquiring share or interest in contract, etc., with the corporation.

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475. Punishment of offence against section 267.
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480. Public notices how to be made known.
481. Advertisements how to be made.
482. Consent, etc., of Commissioner, General Manager, etc., may be proved by written document under his signature.

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483. Notices, etc., by whom to be served or presented.
484. Service how to be effected on owners of premises and other persons.
485. Service on " owner or occupier " of premises how to be effected.
486. The three last sections inapplicable to Magistrate's summonses.
487. Signature on notices, etc., may be stamped.

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488. Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.

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489. Works, etc., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.
490. Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380.

Recovery of Expenses by the Commissioner and the General Manager.

491. Expenses recoverable under this Act to be payable on demand; and if not paid on demand, may be recovered as an arrear of property-tax.
492. If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.
493. Commissioner or General Manager may agree to receive payment of expenses in instalments.

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494. What expenses may be declared to be improvement expenses.
495. Improvement expenses by whom payable.
496. Proportion of improvement expenses may be deducted from rent.
497. Redemption of charge for improvement expenses.
498. Recovery of instalments due under sections 493 and 495.
499. In default of owner the occupier of any premises may execute required work and recover expenses from the owner.
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501. Compensation for damages may be paid by the Commissioner or General Manager.
502. Compensation to be paid by offenders against this Act for any damage caused by them.

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503. In cases falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court.
504. Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.
505. Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered if necessary, as if they were due under a decree of the court.
506. Persons liable for expenses or compensation may be sued for recovery thereof.

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507. Remedy of owner of buildings or land against occupier who prevents his complying with any provision of this Act.
508. Power to summon witnesses and compel production of documents.
509. Fees in proceedings before the Chief Judge of the Small Cause Court.
510. Exemption of poor persons from fees.
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512. Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

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516. Offenders against this Act may in certain cases be arrested by Police Officers.

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517. Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

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522. Co-operation of Police.
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524. Measurement of distances.
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527. Protection of persons acting under this Act against suits.
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SCHEDULE C.—FORM OF DEBENTURE.

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Do. do. NOT IN BAPTISM.

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SCHEDULE W.—
SCHEDULE X.—
SCHEDULE Y.—
SCHEDULE Z.—
SCHEDULE ZZ.—
} DESCRIPTION OF THE PROPERTY HELD BY THE IMPROVEMENT TRUST AND TRANSFERRED TO THE CORPORATION.

SCHEDULE AA.—FORM OF DEBENTURE.

SCHEDULE BB.—RULES REGULATING THE FORM OF ACCOUNTS RELATING TO IMPROVEMENT SCHEMES, ETC., AND THE MANNER IN WHICH THEY SHALL BE KEPT.

SCHEDULE CC.—PORTIONS OF THE LAND ACQUISITION ACT, 1894, REGULATING THE ACQUISITION OF LAND FOR IMPROVEMENT PURPOSES.

SCHEDULE DD.—SCALE OF ADDITIONAL COMPENSATION FOR COMPULSORY ACQUISITION FOR IMPROVEMENT PURPOSES.

SCHEDULE EE.—DUTIES AND POWERS OF THE MUNICIPAL CHIEF AUDITOR.

Amended by Bom. 1 of 1942 ;*
" " 8 of 1942 ;†
" " 2 of 1943 ;*
" " 9 of 1945 ;*
" " 12 of 1945 ;*
" " 1 of 1946 ;†
" " 4 of 1947 ;
" " 12 of 1947 ;
" " 20 of 1947 ;
" " 21 of 1947 ;
Adapted by the India (Adaptation of Existing Indian Laws) Order, 1947 ;
Amended by Bom. 3 of 1948 ;
" " 8 of 1948 ;
" " 48 of 1948 ;
" " 69 of 1948 ;
" " 76 of 1948.

An Act to consolidate and amend the law relating to the Municipal government of the City of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal government of the City of Bombay ; It is enacted as follows :— Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be cited as the City of Bombay Municipal Act, 1888. Short title.

Except as is herein otherwise expressly provided, it extends only to the City of Bombay. Extent.

2. The enactments mentioned in Schedule A are repealed to the extent specified in the third column of the said schedule : Repeal of enactments.

Provided that—

(*a*) all rules and by-laws made, all notifications published, all orders issued and all licenses and permissions granted under any of the said enactments and still in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, published, issued and granted hereunder ; and

(*b*) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the municipal corporation before this Act comes into force shall be deemed to have been incurred, entered into or engaged to be done by, with or for the municipal corporation constituted under this Act ; and

(*c*) all rates, taxes and sums of money due to the corporation when this act comes into force shall be deemed to be due to the corporation under this Act and

(*d*) all suits or other legal proceedings, civil or criminal, instituted or which might but for the passing of this Act have been instituted by or against the corporation or the Commissioner may be continued or instituted subject to the provisions of section 13 of Schedule R as if this Act had not been passed ; and

* This Act was repealed and re-enacted by Bom. 8 of 1948.
† This Act was repealed and re-enacted with modifications, *ibid*.

(*e*) all references made in any Act of the [1][Provincial Government] to any of the said enactments shall be read as if made to this Act or to the corresponding portion thereof.

Definitions of terms.

3. In this Act, unless there be something repugnant in the subject or context,—

(*a*) "the city" means the City of Bombay;

(*b*) the corporation" means the Municipal Corporation of the City of Bombay;

(*c*) councillor" means a member of the corporation [2][who is duly elected or who is a member *ex-officio*] under this Act;

(*d*) "the Commissioner" means the Municipal Commissioner for the City of Bombay appointed under section 54, and includes an acting Commissioner appointed under sub-section (*3*) of section 59;

(*e*) "Deputy Commissioner" means a Deputy Municipal Commissioner appointed under section 55, [3][and the Deputy Municipal Commissioner (Improvements) appointed under section 56-A] and includes an acting Deputy Commissioner appointed under sub-section (*3*) of section 59;

(*f*) the "the Police Commissioner" means the Commissioner of Police of Bombay;

[4]* * *

(*h*) "fellow" means a fellow of the University of Bombay;

[4]* * * *

(*k*) "licensed plumber" and "licensed surveyor" mean respectively, a person licensed by the Commissioner for the purposes of this Act as a plumber or surveyor, under section 355;

(*l*) "Small Cause Court" means the Court of Small Causes of Bombay;

(*m*) "owner" when used in reference to any premises, means the person who receives the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let, and includes—

(*i*) an agent or trustee who receives such rent on account of the owner and

(*ii*) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable purposes; and

(*iii*) a receiver, sequestrator, or manager appointed by any court of competent jurisdiction to have the charge of, or to exercise the rights of an owner of, the said premises;

(*n*) a person is deemed "to reside" in any dwelling which he sometimes uses, or some portion of which he sometimes uses, though, perhaps, not uninterruptedly, as a sleeping apartment;

and a person is not deemed to cease "to reside" in any such dwelling merely because he is absent from it, or has elsewhere another dwelling in which resides, if there is the liberty of returning to it at any time and no abandonment of the intention of returning thereto;

(*o*) the term "public securities" means securities of the [5][Central Government] and any securities guaranteed by [6][the Central or any Provincial Government,]

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[1] The words "Provincial Government" were substituted for the words "Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "duly elected or appointed" by Bom. 13 of 1938, s. 2.

[3] These words, figures, brackets and letters were inserted by Bom. 13 of 1933, s. 3 (*a*).

[4] Clauses (*g*) and (*j*), repealed by Bom. 6 of 1922, s. 2, are omitted.

[5] The words "Central Government" were substituted for the words "Government of India" by the Adaptation of Indian Laws Order in Council.

[6] The words "the Central or any Provincial Government" were substituted for the word "Government", *ibid.*

securities of the Bombay Port Trust, securities issued under this Act and any Bombay Municipal debentures or other securities heretofore issued [1][and any debentures or other securities issued under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925];

Bom. IV of 1898. Bom. XVI of 1925.

(p) "tax" includes any impost leviable under this Act;

(q) "vehicle" includes a carriage, cart, van, dray, truck, handcart and wheeled conveyance of any description capable of being used on the streets of the city;

(r) "land" includes land which is [2][being built upon or is built] upon or covered with water, [3][benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street];

(s) "building" includes a house, out-house, stable, shed, hut and every other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatever;

(t) "water work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, whether covered or open, sluice, main pipe, culvert, engine and any machinery, land, building, or thing for supplying or used for supplying water;

[4][(u) "drain" includes a sewer, pipe, ditch, channel and any other device for carrying off sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water, and any ejectors, compressed air mains, sealed sewage mains and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter to the sewage outfall];

(v) "house-gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as a drain or of affording access to a privy, urinal, cesspool or other receptacle for filthy or polluted matter, to municipal servants or to persons employed in the cleansing thereof or in the removal of such matter therefrom;

(w) "street" includes any highway and any causeway, bridge, viaduct, arch, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of passage or access or have passed and had access uninterruptedly for a period of twenty years; and, when there is a footway as well as a carriageway in any street, the said term includes both;

(x) "public street" means any street heretofore levelled, paved, metalled, channelled, sewered or repaired by the corporation and any street which becomes a public street under any of the provisions of this Act;

(y) "private street" means a street which is not a public street;

[5][(yy) "trade refuse" means and includes the refuse of any trade, manufacture or business];

(z) "nuisance" includes any act, omission, place, or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property;

(aa) "dangerous disease" means cholera and any endemic, epidemic, or infectious disease by which the life of man is endangered;

(bb) "official year" means the year commencing on the first day of April

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[1] These words were inserted by Bom. 13 of 1933, s. 3 (b).
[2] These words were substituted for the word "built" by Bom. 8 of 1913, s. 2.
[3] These words were inserted by Bom. 13 of 1933, s. 3 (c).
[4] Clause (u) was substituted for the original clause by Bom. 5 of 1905, s. 2.
[5] This new clause (yy) was added by Bom. 1 of 1925, s. 2 (b).

(*cc*) "public holiday" means a day or other period of time on or during which, by an order of [1][the Provincial Government] published in the [2][*Official Gazette*], Government offices in the city are closed;

(*dd*) "sub-section" and "clause" denote, respectively, a sub-section or clause of the section in which the word occurs;

[3][(*ee*) "bakehouse" means any place in which are baked bread, biscuits or confectionery, from the baking or selling of which a profit is derived;

[3](*ff*) "eating-house" means any premises to which the public are admitted and where any kind of food is prepared or supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises;

[3](*gg*) "premises" includes messuages, buildings and lands of any tenure, whether open or enclosed, whether built on or not and whether public or private];

[4][(*hh*) "a sweetmeat shop" means any premises or part of any premises used for the manufacture, treatment or storing for sale, or for the sale, wholesale or retail, of any icecream, confections or sweetmeats whatsoever, for whomsoever intended, and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises];

[5][(*ii*) "registered trade union" means a trade union of manual workers employed in trade or industry, registered under the Indian Trade Unions Act, 1926, or other law for the registration of trade unions for the time being in force; XVI of 1926.

[5](*jj*) "delegate" means a person elected by the members of a registered trade union as a member of the electoral college under the provisions of section 21A;

[5](*kk*) "electoral college" means a body of delegates elected by registered trade unions for the purpose of electing councillors to the corporation];

[6][(*ll*) "market" includes any place where persons assemble for the sale of, or for the purpose of exposing for sale, meat, fish, fruit, vegetables, animals intended for human food or any other articles of human food whatsoever, with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or any other person.]

[7][(*mm*) "the Bombay Electric Supply and Transport Undertaking" means all undertakings acquired, organised, constructed, maintained, extended, managed or conducted by the corporation for the purpose of providing tramways, trackless trams or mechanically propelled transport facilities for the conveyance of the public or for the purpose of supplying electrical energy to the public and includes all moveable and immovable property and rights vested or vesting in the corporation for the purposes of every such undertaking;

(*nn*) "the General Manager" means the General Manager of the Bombay Electric Supply and Transport Undertaking appointed under section 60A and includes an acting General Manager appointed under section 60B.]

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid*.

[3] Clauses (*ee*), (*ff*) and (*gg*) were inserted by Bom. 1 of 1916, s. 2.

[4] Clause (*hh*) was inserted by Bom. 5 of 1920, s. 2.

[5] New clauses (*ee*), (*ff*) and (*gg*) which were inserted by Bom. 9 of 1928, s. 2, were relettered (*ii*), (*jj*) and (*kk*) by Bom. 19 of 1930, s. 2.

[6] This clause was added by Bom. 5 of 1938, s. 2.

[7] These clauses were added by Bom. 48 of 1948, s. 2.

CHAPTER II.

THE MUNICIPAL CONSTITUTION.

Municipal Authorities.

4. The municipal authorities charged with carrying out the provisions of this Act are— Municipal authorities charged with execution of this Act.

(A) a corporation;
(B) a standing Committee;
[1][(BB) a Bombay Electric Supply and Transport Committee;]
(C) a municipal commissioner;
[1][(D) a General Manager of the Bombay Electric Supply and Transport Undertaking.]

(A) The Municipal Corporation.

5. [2][(*1*) The corporation shall consist of one hundred and seventeen councillors as follows:— Constitution of corporation.

(*i*) Elected councillors—
(*a*) one hundred and six councillors elected at ward elections;
(*b*) four councillors elected as follows:—
One by the Bombay Chamber of Commerce; one by the Indian Merchants' Chamber and Bureau; one by the Bombay Millowners' Association; one by Fellows;
(*c*) four councillors elected by delegates.
(*ii*) Three *ex-officio* councillors, namely:—
The Police Commissioner;
The Executive Engineer, Presidency Division, Public Works Department, Bombay;
The Chairman of the Board of Trustees of the Port of Bombay.]

(*2*) The corporation shall, by the name of "The Municipal Corporation of the City of Bombay", be a body corporate and have perpetual succession and a common seal and by such name may sue and be sued.

Terms of Office of Councillors; Casual Vacancies, etc.

6. (*1*) [3]* * * * *

(*2*) Councillors [4][elected] to succeed retiring councillors shall come into office on the day for the retirement of the councillors whom they are to succeed. Day on which councillors are to come into office.

7. [5][(*1*)] [6][All elected councillors] shall retire from office at noon on the first day of April [7][four years] after they take office, which day is in this Act referred to as the day for retirement. Day for retirement of councillors.

[8][(*2*) The term of office of an *ex-officio* councillor shall continue so long as he holds the office by virtue of which he is such councillor.]

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[1] This item was inserted by Bom. 48 of 1948, s. 3.
[2] This sub-section was substituted for the original by Bom. 13 of 1938, s. 3.
[3] Sub-section (*1*) repealed by Act 16 of 1895, is omitted.
[4] This word was substituted for the original by Bom. 13 of 1938, s. 4.
[5] This sub-section was numbered as sub-section (*1*), *ibid.*, s. 5 (*1*).
[6] These words were substituted for the original, *ibid.*, s. 5 (*1*) (*a*).
[7] These words were substituted for the words "three years", *ibid.*, s. 5 (*1*) (*b*).
[8] This sub-section was added, *ibid.*, s. 5 (*2*).

Re-eligibility of persons ceasing to be councillors.

8. Any person who ceases to be a councillor shall, unless disqualified, be reeligible.

Casual vacancies how to be filled up.

9. In the event of non-acceptance of office by a person elected [1]* * to be a councillor, or of the death, resignation or disqualification of a councillor, or of his becoming incapable of acting previous to the day for retirement, there shall be deemed to be a casual vacancy in the office, and such vacancy shall be filled up, as soon as it conveniently may be, by the election [1]* * * * of a person thereto, who shall hold office so long only as the councillor in whose place he is elected [1]* * would have been entitled to hold it if the vacancy had not occurred. [2][The casual vacancy in the office of an elected councillor shall be filled up in the manner provided in section 34 :]

[3][Provided that no election shall be held to fill up such vacancy occurring within four months prior to the day for retirement.]

Publication of names of councillors in the *Official Gazette*.

10. The names of all persons elected [1]* * to be councillors shall be published by the Commissioner in the [4][*Official Gazette*].

Qualifications and Disqualifications of Voters and Councillors.

Qualifications of voters at ward elections.

11. (*1*) A person shall not be entitled to vote at a ward election unless he is enrolled in the municipal election roll as a voter of the ward for which such election is held.

[5][(*2*) A person shall not be entitled to be enrolled in the municipal election roll as a voter of any ward, unless such person—

[6](*a*) has on the 31st day of August in any year attained the age of 21 years, and

(*b*) has the requisite residence, business premises or taxation qualification.

(*3*) A person shall be deemed to have the requisite residence qualification or the requisite business premises qualification if he has ordinarily used a dwelling in the city as a sleeping place or occupied business premises in the city, as the case may be, for the qualifying period.

(*4*) A person shall be deemed to have the requisite taxation qualification if he owns immovable property in the city which is assessed on the first day of April next preceding the date of the publication of the roll, to any of the property taxes referred to in section 140.

(*5*) A person who is an inmate or a patient in any prison, lunatic asylum, hospital, or any other similar institution, shall not, by reason thereof, be deemed to have used such institution as a dwelling for the purposes of sub section (*3*).

(*6*) For the purpose of this section—

(*a*) "business premises" shall mean premises occupied for the purpose of the business, profession or trade of the person to be enrolled and the annual rateable value of which, determined in accordance with the provisions of this Act, is not less than Rs. 60.

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[1] The words "or appointed" and "or appointment, as the case may be" were deleted by Bom. 13 of 1938, ss. 6 and 7.

[2] These words were added by Bom. 28 of 1935, s. 2.

[3] This proviso was added by Bom. 12 of 1936, s. 2.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[5] Sub-sections 2 to 6 were substituted for sub-section (*2*) by Bom. 13 of 1938, s. 8 (*1*). The provisions of these sub-sections have come into force for the purposes of the general elections held after the first day of January 1942 and for all subsequent elections.

[6] Clause (*a*) of sub-section (*2*) of sec. 11 was substituted for the original by Bom. 1 of 1946, sec. 2 (*a*), read with Bom. 8 of 1948, s. 4.

[1](*b*) "the qualifying period" shall mean a period of one year before the 1st day of February in the year of enrolment.]

[2][**11A.** Every member of a registered trade union shall be entitled to be enrolled as a voter in the electoral roll of the registered trade union and when so enrolled shall be entitled to vote at the election of delegates, provided— Qualifications of voters at election of delegates.

(*1*) that he has been a member for six months immediately preceding the 1st day of September 1928 and for the purpose of future elections for six months immediately preceding the first day of September in the year in which the electoral roll of delegates is published; and

(*2*) that he has had a place of residence in the city for six months immediately preceding the first day of September aforesaid.]

12 & 13. [*Repealed by Bom. VI of 1922.*]

14. (*1*) A person shall not be qualified to be elected at a ward election to be a councillor unless he is enrolled in the municipal election roll as a voter of some ward. [3]* * * Qualification for election as a councillor at a ward election.

[4]* * * * *

[5][**14A.** A person shall not be qualified to be elected as a councillor by the delegates unless he is a voter as prescribed by section 11A and enrolled in the electoral roll of delegates.] Qualifications for election as a councillor by delegates.

[6][**15.** A person shall not be qualified to be elected to be a councillor at an election by a chamber or association mentioned in sub-section (*1*) of section 5 or at Fellows' election, unless he is at the time of the election a member of that chamber or association or a person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm, company or corporation registered as a member of such chamber or association or a Fellow, as the case may be, and unless, in the case of a Fellow, [7][he has resided in the city for six months immediately preceding the date of the election]. Qualification for election by chamber, etc.

15A. [*Qualification for co-option.*] *Repealed by s. 3 of Bom. 17 of 1931.*

16. (*1*) A person shall be disqualified for being elected [8]* * [9]* * * * * and for being a councillor if such person— Disqualifications for being a councillor.

[10]* * * *

(*b*) has been sentenced by any court to imprisonment or whipping for an offence [11][involving moral turpitude and] punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, and if and so long as [12][such sentence has not expired or] such person's disqualification on account of such sentence has not

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[1] Clause (*b*) of sub-section (*6*) of sec. 11 was substituted for the original by Bom. I of 1946, s. 2 (*b*) read with Bom. 8 of 1948, s. 4.
[2] New section 11-A was inserted by Bom. 9 of 1928, s. 4.
[3] Words repealed by Bom. 6 of 1922, s. 6, are omitted.
[4] Sub-section (*2*) was deleted by Bom. 13 of 1938, s. 9 (*1*).
[5] New section 14-A was inserted by Bom. 9 of 1928, s. 5.
[6] New section 15 was substituted for the original section by Bom. 6 of 1922, s. 7.
[7] These words were substituted for the words "he resides in the city" by Bom. 5 of 1938, s. 3.
[8] The words "or appointed" were deleted by Bom. 13 of 1938, s. 10.
[9] The words "or co-opted" which were added by Bom. 6 of 1922, s. 8, and which were deleted by Bom. 17 of 1931, s. 4, are omitted.
[10] Clause (*a*) repealed by Bom. 6 of 1922, s. 8, is omitted.
[11] These words were inserted by Bom. 7 of 1939, s. 2.
[12] These words were inserted by Bom. 12 of 1925, s. 2.

been removed by an order which the [1][Provincial Government] is hereby empowered to make, if [2][it] shall think fit, in this behalf; or

if and while such person—

[3][(*c*) having been adjudged or re-adjudged an insolvent, is under any disqualification imposed by section 103A of the Presidency-towns Insolvency Act, 1909; or section 73 of the Provincial Insolvency Act, 1920; or] III of 1909. V of 1920.

(*d*) is the Commissioner or a Deputy Commissioner or a municipal officer or servant, or a licensed surveyor or plumber [4][or a member of a firm of which a licensed surveyor or plumber is a member]; or

(*e*) is the Chief Judge of the Small Cause Court or is acting in that capacity; or

[5][(*ee*) fails to pay any arrears of any kind due by him (otherwise than as a trustee) to the corporation within three months after a special notice in this behalf has been served upon him; or]

(*f*) has directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of, the corporation; [6][or]

[7][(*ff*) having been elected a councillor is retained or employed in any professional capacity either personally or in the name of a firm in which he is a partner or with whom he is engaged in a professional capacity in connection with any cause or proceeding in which the corporation or the Commissioner is interested or concerned:

Provided that this disqualification shall not apply to a councillor who renders free service for securing the enforcement of civic rights or removal of legitimate public grievances.

Explanation.—For the purpose of clause (*f*) a municipal pensioner shall not be deemed to have any share or interest in any employment with, by or on behalf of the corporation, by reason only of his pension.]

(*2*) But a person shall not be so disqualified or be deemed to have any share or interest in such a contract or employment by reason only of [8][his receiving fees for attendance at meetings of the Bombay Electric Supply and Transport Committee or of] his having any share or interest in—

(*g*) any lease, sale or purchase of land or any agreement for the same; or

(*h*) any agreement for the loan of money or any security for the payment of money only; or

(*j*) any newspaper in which any advertisement relating to the affairs of the corporation is inserted; or

(*k*) any joint stock company which shall contract with or be employed by the Commissioner on behalf of the corporation; or

(*l*) the occasional sale to the Commissioner on behalf of the corporation, to a value not exceeding in any one official year two thousand rupees, of any article in which he regularly trades.

(*3*) Nor shall the Police Commissioner be deemed to be so disqualified by reason of his office merely.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "he", *ibid.*

[3] Clause (*c*) was substituted for the original clause by Bom. 1 of 1946, s. 3 (*a*), read with Bom. 8 of 1948, s. 4.

[4] These words were inserted, *ibid.*, s. 3 (*b*).

[5] Clause (*ee*) was inserted by Bom. 11 of 1932, s. 2.

[6] The word "or" was inserted by Bom. 1 of 1946, s. 3 (*c*), read with Bom. 8 of 1948, s. 4.

[7] Clause (*ff*) was inserted, *ibid.*, s. 3 (*d*).

[8] These words were inserted by Bom. 48 of 1948, s. 4.

A person becoming disqualified to cease to be a councillor.

17. Any councillor who—

(*a*) becomes disqualified for being a councillor for any reason mentioned in the last preceding section, or

(*b*) absents himself during three successive months from the meetings of the corporation, except from temporary illness or other cause to be approved by the corporation, [1][or

(*c*) being elected by Fellows, ceases to be a Fellow,] [2][or

(*d*) absents himself from or is unable to attend the meetings of the corporation during twelve successive months from any cause whatever, whether approved by the corporation or not, or

(*e*) being elected by a chamber or association mentioned in sub-section (*1*) of section 5, ceases to be a member of such chamber or association or to be a person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm, company or corporation registered as a member of such chamber or association, as the case may be,]

shall cease to be a councillor, and his office shall thereupon be vacant.

Questions as to disqualifications to be determined by Chief Judge of the Small Cause Court.

18. Whenever it is alleged that any councillor has become disqualified for office for any reason aforesaid, and such councillor does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, such councillor or any other councillor may, and the Commissioner, at the request of the corporation, shall apply to the Chief Judge of the Small Cause Court; and the said Chief Judge, after making such inquiry as he deems necessary, shall determine whether or not such councillor has become disqualified for being a councillor, and his decision shall be conclusive.

Municipal Election Roll.

Preparation and revision of list of persons qualified to vote.

19. (*1*) [3]* * * On or before [4][the first day of August immediately preceding each general election] [3]* * the Commissioner shall prepare a list of persons appearing to be entitled to be enrolled in the municipal election roll as voters of wards.

[3]* * * *

(*3*) The list of voters of wards shall be made in separate lists, called ward lists, one for each ward into which the city is divided as hereinafter provided, containing the names of persons entitled to be enrolled as voters of that ward. [6][The ward lists shall be arranged in alphabetical order and shall contain the addresses of persons who are entitled to be enrolled under the provisions of sub-section (*2*) of section 11 :]

[7][Provided that the Commissioner may, with the previous approval of the corporation, divide the ward lists according to communities and enter therein the names of the persons as aforesaid in alphabetical order under the headings of streets.]

(*4*) In preparing the ward lists the Commissioner shall enter therein the names of the persons who [8][are entitled to be enrolled under the provisions of sub-section (*2*) of section 11] :

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[1] The word "or" and clause (*c*) were inserted by Bom. 10 of 1936, s. 2.

[2] The word "or" and clauses (*d*) and (*e*) were inserted by Bom. 5 of 1938, s. 4.

[3] Portion repealed by Act 16 of 1895 is omitted.

[4] The words "the first day of August immediately preceding each general election" were substituted for the words "each first day of September" by Bom. I of 1946, section 4 (*a*), read with Bom. 8 of 1948, s. 4.

[5] The words and sub-section (*2*) repealed by Bom. 6 of 1922, s. 9 (*a*) and (*b*), are omitted.

[6] These words were substituted for the original words, *ibid.*, s. 9 (*c*).

[7] This proviso was added by Bom. 1 of 1946, section 4 (*b*), read with Bom. 8 of 1948, s. 4.

[8] These words were substituted for the original words by Bom. 6 of 1922, s. 9 (*d*), (*i*).

[1][Provided that where such person is—

(*i*) a company, the name of any individual member of such company authorised in that behalf,

(*ii*) a firm, the names of all the partners of such firm, registered under the Indian Partnership Act, 1932, IX of 1932.

(*iii*) any other association or body of individuals, the name of the individual member of such association or body of individuals authorised by such association or body of individuals, or

(*iv*) an undivided Hindu family possessing the requisite business premises or taxation qualification, the names of all adult coparceners of such family,

shall be entered in such lists against the names of such company, firm, association, body of individuals or family, as the case may be.]

[2][(*5*) The Commissioner [3][may], before preparing the list, by notice in writing, call upon every owner of a building to furnish him with a list of all tenants who resided in or occupied such building during the qualifying period referred to in section 11.

(*5A*) The Commissioner may also call upon by notice in writing any occupier of any building or other person to furnish such information as [4][he may consider necessary for the preparation of the municipal election roll.]

(*5B*) Every person to whom a notice has been issued under sub-section (*5*) or (*5A*) shall furnish full and true information within fifteen days from the date of receipt of notice.

(*5C*) The Commissioner shall then verify and scrutinise the particulars furnished under sub-sections (*5*) and (*5A*) by a house to house enquiry [5][or] by taking such other steps as [6][he may consider necessary.]]

(*6*) The Commissioner shall publish the list, prepared as aforesaid, by causing a printed copy thereof to be fixed for public inspection in a conspicuous position on every municipal office on or before the ninth day of [7][August] and to be kept so fixed during the remaining days of [7][August]. Printed copies thereof shall also be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner, with the approval of the standing committee in this behalf.

(*7*) On or before [8][the tenth day of August], the Commissioner shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

(*8*) Every person whose name is not in the list so published and who claims to have it inserted therein shall, on or before the first day of [9][September], give notice in writing of his claim to the Commissioner [10][in such form as he may prescribe].

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[1] This proviso was substituted for the original by Bom. 13 of 1938, s. 11 (*1*) (*a*).

[2] Sub-sections (*5*) to (*5c*) were substituted for sub-section (*5*), by Bom. 13 of 1938, s. 11 (*1*) (*b*).

[3] The word "may" was substituted for the word "shall", by Bom. I of 1946, section 4 (*c*), read with Bom. 8 of 1948, s. 4.

[4] The words "he may consider necessary for the preparation of the municipal election roll" were substituted for the words "may be prescribed by rules made under this section", *ibid.*, section 4 (*d*).

[5] The word "or" was substituted for the word "and", *ibid.*, s. 4 (*e*) (*i*).

[6] The words "he may consider necessary" were substituted for the words "may be prescribed by rules made under this section", *ibid.*, s. 4 (*e*) (*ii*).

[7] The word "August" was substituted for the word "September" by Bom. I of 1946, s. 4 (*f*), read with Bom. 8 of 1948, s. 4.

[8] The words "the tenth day of August" were substituted for the words "each tenth day of September", *ibid.*, s. 4 (*g*).

[9] The word "September" was substituted for the word "October", *ibid.*, s. 4 (*h*).

[10] These words were added, *ibid.*, s. 4 (*h*).

(*9*) Every person whose name is in the list may object to any other person as not being entitled to have his name retained therein. Every person objecting shall, on or before the first day of [1][September], give to the Commissioner and also give to the person objected to, or leave at his last known place of abode, notice in writing of the objection and of the nature thereof.

(*10*) If the name of any person is entered as a voter in more than one ward list, he may, by notice in writing, which he shall give to the Commissioner on or before the first day of [2][September], choose for which one of those wards he shall be entitled to vote.

[3](*11*)* * * *

(*12*) The Commissioner shall, [4][before the fifteenth day] of November, revise the list prepared as aforesaid.

(*13*) [5][The Commissioner] shall, for this purpose hear the [6][claims and objections] which have been duly made as aforesaid in open office, giving three clear days' notice of the holding of the inquiry by written notice served upon each [7][claimant and person objecting] and upon each person objected to, and also fixed on some conspicuous place in every municipal office:

[8][Provided that, if the Commissioner on examination of any claim considers that it may be allowed without further enquiry, notice to such claimant shall not be necessary. A notice which is required to be served under this sub-section on any person shall be deemed to be served, if sent by post to the address of that person as given by him for the purpose, or as appearing in the list, or if there is no such address, to his last known place of residence.]

[9][(*13A*) On or before the first day of November the Commissioner shall publish by affixing at some conspicuous place in every municipal office a supplementary list containing the names of the claimants who appear to him to be entitled to be enrolled as voters and shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained. Within three days from the date of the said notice any person whose name is in the list or in the supplementary list may object to the name of any claimant being inserted in the list upon the ground that such claimant is not entitled to be enrolled as a voter. Such an objection shall be made in the manner provided in sub-section (*9*) and shall be disposed of by the Commissioner in the manner provided in sub-section (*13*).]

(*14*) The Commissioner shall insert in the list the name of every person who has duly claimed to have his name inserted therein and whose claim is proved to the Commissioner's satisfaction.

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[1] The word "September" was substituted for the word "October", by Bom. I of 1946, s. 4 (*i*), read with Bom. 8 of 1948, s. 4.

[2] The word "September" was substituted for the word "October", *ibid.*, s. 4 (*j*).

[3] Sub-section (*11*) was repealed, *ibid.*, s. 4 (*k*).

[4] These words were substituted for the words "on some one of the first fifteen days" by Bom. 10 of 1928, s. 2 (*c*).

[5] The words "the Commissioner" were substituted for the word "He" by Bom. 1 of 1946, s. 4 (*l*) (*i*), read with Bom. 8 of 1948, s. 4.

[6] The words "claims and objections" were substituted for the words "claims, objections and applications", *ibid.*

[7] The words "claimant and person objecting" were substituted for the words "claimant, person objecting and applicant", *ibid.*

[8] The proviso was added, *ibid.*, s. 4 (*l*) (*ii*).

[9] Sub-section (*13A*) was inserted, *ibid.*, s. 4 (*m*).

(*15*) The Commissioner shall expunge from the list the name of every person proved to his satisfaction to be dead [1][or not qualified to be enrolled] and may correct any clerical error or omission in the list.

(*16*) Subject as aforesaid, the Commissioner shall retain in the list the name of every person to whom objection has not been duly made.

(*17*) The Commissioner shall also retain therein the name of every person objected to, unless the objector appears by himself or by some other person duly authorized by him in this behalf in support of the objection.

(*18*) Where the objector so appears, the Commissioner shall require proof of the qualification of the person objected to, and if within such reasonable time as the Commissioner, subject to the provision of sub-section (*22*), fixes in this behalf, such person's qualification is not proved to his satisfaction, shall expunge his name from the list.

(*19*) The Commissioner shall not retain the name of one person in more than one ward list. If any person whose name has been entered in more than one ward list has not chosen as aforesaid, the Commissioner shall determine for which one of those wards he shall be entitled to vote.

[2]* * * *

[3]* * * *

[4][(*21*) The Commissioner shall not enter the name of any individual more than once in any ward list notwithstanding the fact that such individual is entitled to have his name entered in such list in more than one capacity or possesses more than one of the requisite qualifications referred to in section 11].

(*22*) The Commissioner may adjourn the hearing of any matter under this section from time to time, so that no adjourned hearing be held after the [5][fifteenth] day of November.

[6][(*23*) Subject to the provisions of the foregoing sub-sections, the Corporation, with the sanction of the Provincial Government shall make rules for the preparatio and revision of the lists of persons qualified to vote.]

Appeals against Commissioner's orders on revision of the list by whom to be heard.

20. [7][(*1*)] In the event of the Commissioner rejecting any claim, objection or choice duly made under the last preceding section, the claimant or objector or person aggrieved may, at any time within five days after such rejection, apply to the Chief Judge of the Small Cause Court, and the said Chief Judge shall, within [8][twenty five] days after receipt of such application and after such inquiry as he deems necessary, make such order for correcting the list or otherwise as shall seem to him fit, and his order shall be conclusive.

[7] [(*2*) If the Chief Judge is unable to dispose of any such application within the period specified in sub-section (*1*) he may transfer it for hearing to any Judge of the Small Cause Court.]

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[1] These words were inserted by Bom. 13 of 1938, s. 11 (*1*) (*c*).
[2] The words deleted by Bom. 13 of 1938, s. 11 (*1*) (*d*) are omitted.
[3] Sub-section (*20*) was repealed by Bom. 6 of 1922, s. 9 (*g*).
[4] This sub-section was substituted for the original by Bom. 13 of 1938, s. 11 (*1*) (*e*).
[5] The word "fifteenth" was substituted for the word "tenth", by Bom. 6 of 1922, s. 9 (*h*).
[6] This sub-section was inserted, by Bom. 13 of 1938, s. 11 (*1*) (*f*).
[7] Section 20 was re-numbered section 20 (*1*), and sub-section (*2*) added by Bom. 6 of 1922, s. 10 (*2*).
[8] The word "twenty-five" was substituted for the word "twenty", *ibid.*, s. 10 (*1*).

21. (*1*) When the list prepared as aforesaid has been revised by the Commissioner and corrected in compliance with any order passed in this behalf by [1][the authority mentioned in section 20], a printed copy thereof, signed by the Commissioner, shall be the municipal election roll and shall come into operation on the [1][twentieth] of December and continue in operation for [2][a period of four years] beginning on that day. Completion of the municipal election roll.

(*2*) The municipal election roll shall be divided and arranged in the same manner as the list from which it is made up. The separate ward lists, when completed, as hereinbefore provided, shall be called ward rolls. The ward rolls [3]* * * * shall collectively be deemed to constitute the municipal election roll.

(*3*) Every person enrolled in the municipal election roll shall be deemed to be entitled to vote at a ward election [3]* * * *; and every person not enrolled in the said roll shall be deemed to be not entitled so to vote.

(*4*) Printed copies of the municipal election roll shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as shall from time to time be prescribed by the Commissioner, with the approval of the standing committee, in this behalf.

(*5*) If a municipal election roll is not made in due time, the municipal election roll in operation immediately before the time appointed for its preparation shall continue in operation until the new roll is made.

[4]**21A.** The election of the delegates, and of councillors by the delegates shall be made in accordance with the following provisions, namely :— Procedure regarding election of delegates and councillors.

(*a*) The councillors shall be elected by an electoral college of delegates constituted as provided in the following clauses.

(*b*) Every registered trade union which had on the first day of September not less than 100 and not more than 200 members on its register of members entitled to vote under section 11A shall be entitled to elect one delegate to the electoral college.

For every complete multiple of 200 such members in addition to the original 200 such union shall be entitled to elect one additional delegate.

(*c*) For the purposes of this election, any two or more registered trade unions may combine to elect delegates, and shall be deemed to be one registered trade union, provided that—

(*i*) the number of members entitled to vote for each of such registered trade unions is less than 100;

(*ii*) notice of such combination is given to the Commissioner three days before the electoral roll of such trade unions is submitted to him.

(*d*) Within seven days of the coming into operation of this Act, and, for the purposes of future elections, before the first day of September the Commissioner shall call on every registered trade union to prepare and submit within ten days the electoral roll of its members entitled to vote at the election of delegates. A copy of such roll shall from the same day be kept at the office of the registered trade union open to the inspection of any member of that trade union or of any other registered trade union.

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[1] The words "authority mentioned in section 20" and "twentieth" were respectively substituted for the words "Chief Judge aforesaid" and "tenth" by Bom. 6 of 1922, s. 11 (*a*).

[2] The words "a period of four years" were substituted for the words "the twelve months" by Bom. 1 of 1946, s. 5, read with Bom. 8 of 1948, s. 4.

[3] The words repealed by Bom. 6 of 1922, s. 11 (*b*) and (*c*) respectively are omitted.

[4] New section 21A was inserted by Bom. 9 of 1928, s. 6.

(*e*) Any member of the registered trade union aggrieved by any entry or omission shall make an application to the Commissioner not later than three days after the date fixed for such submission. The Commissioner shall thereupon decide the matter, and his decision shall be final and conclusive.

(*f*) The electoral roll of the registered trade union shall be corrected in accordance with the decision passed by the Commissioner and shall thereafter be the electoral roll of the registered trade union. Such roll shall be kept at the office of the registered trade union open to the inspection of any member.

(*g*) The Commissioner shall then decide and inform each registered trade union how many delegates it is entitled to elect to the electoral college.

(*h*) Thereafter, within ten days, the members of each registered trade union shall elect the specified number of delegates. Every such elector shall have as many votes as there are delegates to be elected by the registered trade union in which he votes, and shall be entitled to accumulate all of them upon one candidate, or to distribute them amongst the candidates as he pleases.

(*i*) The registered trade union shall immediately report the names of the delegates to the Commissioner. The election of members whose names are so reported shall not be open to question in any court or otherwise.

(*j*) The Commissioner shall then prepare and publish a nominal roll of delegates so elected constituting the electoral college. The roll shall show by which registered trade union each delegate was elected. and shall state his address.

(*k*) On or before the 15th of January 1929 and for the purpose of future elections on or before the 20th day of December the Commissioner shall give notice by advertisement in the local papers of the publication of the said roll and the place at which and the fee for which copies of it may be obtained.

( ) The election of the four councillors by the electoral college of delegates shall take place fourteen days after the ward elections.

(*m*) Save as herein otherwise provided all the provisions of this Act with regard to ward elections, including those relating to electoral roll, nominations, elections, appeals and expenses, shall, so far as possible, apply to the election of councillors by the electoral college of delegates.

Preparation and revision of list for supplementary election rolls.

[1][21B. (*1*) Any person, whose name is not on the municipal election roll and who claims to be entitled to be enrolled as a voter under the provisions of sub-section (*2*) of section 11, may on or before the first day of September in any of the three years next succeeding the date on which the said roll came into operation under the provisions of sub-section (*1*) of section 21, give notice of his claim in writing to the Commissioner in such form as he may prescribe.

(*2*) The Commissioner shall hear the claims in the manner provided in sub-section (*13*) of section 19 and shall on or before the first day of November publish by affixing at some conspicuous place in every municipal office a list containing the names of the claimants who appear to him to be entitled to be enrolled as voters, and shall give notice by advertisement in the local newspapers of the publication of the said list and of the place at which and the fee for which copies of it may be obtained.

(*3*) The said list shall be prepared in the same form as the list mentioned in sub-section (*1*) of section 19.

(*4*) W thin three days from the date of publication of the said list, any person whose name is on the municipal election roll or in the said list may give notice in writing to the Commissioner objecting to the retention of the name of any person

[1] Sections 21B, 21C and 21D were inserted by Bom. 1 of 1946, s. 6, read with Bom. 8 of 1948, s. 4.

in the said list upon the ground that such person is not entitled to be enrolled as a voter, and shall also in such case give to such person, or leave at his last known place of residence, notice in writing of the objection and the nature thereof.

(*5*) The Commissioner shall thereafter dispose of all objections made under this section in the manner provided in sub-section (*13*) of section 19 and on or before the fifteenth day of November shall revise the list prepared as aforesaid in the same manner as the list mentioned in section 19, and for such purposes the procedure prescribed in sub-sections (*14*), (*15*), (*16*), (*17*), (*18*), (*19*) and (*22*) of section 19 and in section 20 shall be followed so far as may be required.]

Completion of supplementary election rolls.

[1][**21C.** When the list prepared under section 21B as aforesaid has been revised by the Commissioner and corrected in accordance with any order passed in that behalf by the authority mentioned in section 20, a printed copy thereof, signed by the Commissioner, shall come into operation as a supplementary election roll on the 20th day of December and shall thereafter be deemed to form part of the municipal election roll.]

Consolidation of supplementary election rolls.

[1][**21D.** Notwithstanding anything contained in sections 21B and 21C, the Commissioner may include in any supplementary election roll made as aforesaid the entries contained in any previous supplementary election roll made since the making of the last municipal election roll, and to the extent that such entries are included the previous supplementary election roll shall cease to have any operation.]

Elections of Councillors.

Dates of elections.

22. (*1*) General election of councillors [2]* * * * shall be fixed by the Commissioner subject to the provisions of section 23, to take place [3][every four years] on such days in the months of January [4][to March] as he shall think fit.

(*2*) [*Repealed by Act XVI of 1895.*]

(*3*) Elections to fill casual vacancies shall be fixed by the Commissioner to take place on such days as he shall think fit as soon as conveniently may be after the occurrence of the vacancies.

Order in which general elections are to be held.

23. [[5]* * [6][The dates for all general elections shall be fixed in the following order and with the following intervals, namely :—

first, the ward elections shall be fixed to take place on such dates and at such times as the Commissioner may fix but so that the result of all general elections may be declared before the end of March.]

secondly, the day for [7][election by the chambers or association mentioned in sub-section (*1*) of section 5] shall be fixed at an interval not exceeding twenty-one days after the day fixed for the ward election ;

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[1] Sections 21B, 21C and 21D were inserted by Bom. 1 of 1946, s. 6, read with Bom. 8 of 1948, s. 4.

[2] The words "other than co-opted councillors" which were added by Bom. 1 of 1925, s. 5, and which were deleted by Bom. 17 of 1931, s. 5, are omitted.

[3] These words were substituted for the word "triennially" by Bom. 13 of 1938, s. 12, with effect from 1st April 1942.

[4] The words "to March" were substituted for the words "and February" by Bom. 1 of 1946, s. 7, read with Bom. 8 of 1948, s. 4.

[5] The words, figures and letter "Except as provided in section 31-A" which were added by Bom. 1 of 1925, s. 6 (*1*), and which were deleted by Bom. 17 of 1931, s. 6, are omitted.

[6] These words were substituted for the portion beginning with the words "The dates" and ending with the words "for all the wards" by Bom. 1 of 1946, s. 8, read with Bom. 8 of 1948, s. 4.

[7] These words were substituted for the words "election by the Bombay Chamber of Commerce" by Bom. 6 of 1922, s. 12 (*a*).

[1][*thirdly*, the day for the Fellows' election shall be fixed at an interval not exceeding fourteen days after the day fixed for the elections by the chambers and association mentioned in sub-section (*1*) of section 5.]

[2]* * * * * * * * * * * * *

Division of the city into wards for purposes of elections.

24. (*1*) For the purposes of elections, the city shall be divided into wards, and the number of councillors to be elected at ward elections shall be apportioned over the said wards.

(*2*) The corporation may, with the sanction of [3][the Provincial Government], from time to time alter the number and boundaries of the wards and re-apportion the councillors to be elected at ward elections among the wards, but not so as that any such alteration or re-apportionment shall first have effect at a ward election to fill a casual vacancy.

(*3*) Unless and until they are so altered or re-apportioned, the number and respective boundaries of the wards and the number of councillors to be elected for each ward shall be as specified in Schedule B.

Notice to be given of day fixed for ward elections.

25. Fifteen days at least before the day fixed for a ward election [4]* * * notice of such election shall be given by the Commissioner. Such notice shall be given by advertisement in the [5][*Official Gazette*] and in the local newspapers, and [4]* * * * by posting placards in conspicuous places in the ward for which such election is to take place.

Candidates at ward elections must be nominated. Provisions regarding nominations.

26. (*1*) Candidates for election at a ward election [6]* * * * must be duly nominated in writing in accordance with the provisions hereinafter contained.

(*2*) With respect to such nominations, the following provisions shall have effect, namely :—

(*a*) The Commissioner shall provide printed forms of nomination papers and any person entitled to vote at the election shall be supplied, at any time within seven days previous to the day fixed for the election [7][and up to 4 p.m. on the date of election,] with as many such forms as may be required, free of charge ;

(*b*) each nomination-paper must state the name, abode and description of the candidate in full, and be subscribed by two persons entitled to vote at the election as proposer and seconder, [8][and must bear the signature of the person nominated in token of his willingness to be so nominated ;]

(*c*) every nomination-paper subscribed [9][and signed] as aforesaid must be delivered at the Commissioner's office before five o'clock in the afternoon of the day fixed for the election ;

(*d*) each candidate must be nominated by a separate nomination-paper, but any person entitled to vote at the election may subscribe as many nomination-papers as there are vacancies to be filled, but no more ;

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[1] The third paragraph was substituted for the original by Bom. 6 of 1922, s. 12 (*b*).
[2] The fourth paragraph was omitted by Bom. 1 of 1925, s. 6 (*2*).
[3] The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.
[4] The words repealed by Bom. 6 of 1922, s. 13, are omitted.
[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.
[6] The words repealed by Bom. 6 of 1922, s. 14(*a*), are omitted.
[7] These words were inserted by Bom. 1 of 1925, s. 7 (*a*).
[8] These words were inserted by Bom. 1 of 1946, s. 9 (*a*), read with Bom. 8 of 1948, s. 4.
[9] The words "and signed" were inserted, *ibid.*, s. 9 (*b*).

[1][(*dd*) if any person subscribes more nomination-papers than there are vacancies to be filled, the nomination papers received after the receipt of the maximum number permissible under clause (*d*) shall be deemed to be invalid ;]

(*e*) if any person nominated—

(*i*) is not enrolled in the municipal election roll as voter of a ward [2]* * * * or [2]* * * *

[3][(*ii*) has not made or caused to be made the deposit referred to in sub-section (*1*) of section 26A, or]

(*iii*) is disqualified for being a councillor for any of the reasons set forth in section 16,

the Commissioner shall declare such persons' nomination invalid ;

(*f*) if there is no valid nomination, it shall be deemed that no councillor has been elected and proceedings for filling the vacancy or vacancies shall be taken under section 34 ;

(*g*) if the number of valid nominations is less than that of the vacancies, the persons nominated shall be deemed to be elected, and for the remaining vacancy or vacancies, it shall be deemed that no councillor has been elected, and proceedings for filling such vacancy or vacancies shall be taken under section 34 ;

(*h*) if the number of valid nominations is the same as that of the vacancies, the persons nominated shall be deemed to be elected ;

(*j*) if the number of valid nominations exceeds that of the vacancies, the election of councillors shall be made from among the persons nominated, and such election shall be termed "a contested election" : [4][provided that if any candidate validly nominated [5][dies or] [6][signifies in writing to the Commissioner not later than seven days after the day of election his intention] not to contest the election, then, if the remaining number of valid nominations is less than or the same as that of the vacancies, the remaining candidates validly nominated shall be deemed to be elected] ;

[7][Provided further that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election] ;

(*k*) if, when two or more ward elections are held simultaneously for different wards, any person is deemed, under clause (*g*) or clause (*h*), to be elected a councillor for more than one ward, he shall, within twenty-four hours after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or, in his default, the Commissioner shall, when the time for choice has expired, declare for which one of those wards he shall serve. The choice or declaration so made shall be conclusive, and such person's nomination for the ward or wards for which he is not to serve shall be deemed to be null and void ;

(*l*) if, when ward elections are held as aforesaid, any person who is deemed under clause (*g*) or clause (*h*), to be elected a councillor for any one or more wards, has also been duly nominated for any one or more wards for which the

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[1] Clause (*dd*) was inserted, by Bom. 1 of 1946, s 9 (*c*) read with Bom. 8 of 1948 s. 4.

[2] The portions repealed by Bom. 6 of 1922, s 14 (*b*), are omitted.

[3] New clause (*ii*) was inserted by Bom. 19 of 1930, s. 3.

[4] This proviso was added by Bom. 5 of 1905, s. 3.

[5] These words were added by Bom. 1 of 1925, s. 7 (*b*) (*i*).

[6] The words "signifies in writing to the Commissioner not later than seven days after the day of election his intention" were substituted for the original words by Bom. 1 of 1946, s. 9 (*d*) read with Bom. 8 of 1948, s. 4.

[7] This proviso was added by Bom. 1 of 1925, s. 7 (*b*) (*iii*).

number of nominations exceeds that of the vacancies, he shall within twenty-four hours after receipt of written notice thereof from the Commissioner choose, by writing signed by him and delivered to the Commissioner, whether he shall serve for the ward, or for any one of the wards for which he is elected, or will stand as a candidate at the contested election or elections for the other ward or wards. In his default, the Commissioner shall, when the time for choice has expired, declare that he shall serve for the ward or for some one of the wards for which he is elected, and his nomination for any other ward shall be deemed to be null and void. If such person chooses, by writing as aforesaid, to stand as a candidate at the contested election or elections, his nomination for the ward or wards for which he is elected shall be deemed to be null and void. Any choice or declaration made under this clause shall be conclusive.

Deposit by candidates.

[1][26A. (*1*) On or before the date appointed for the nomination of candidates for a ward election [2]* * * * each candidate [2]* * * * * * shall deposit or cause to be deposited with the Commissioner the sum of two hundred rupees in cash or in Government Promissory Notes of equal value at the market rate of the day, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(*2*) The deposit shall be returned if—

(*a*) the candidate is declared or is deemed to be duly elected, or

[3][(*b*) the candidate signifies in writing to the Commissioner not later than seven days after the day of election his intention not to contest the election, or]

(*c*) the nomination of the candidate is declared invalid, or

(*d*) the candidate dies, [4]* * * * after the scrutiny of nomination-papers and before the commencement of the poll, [5]* [6]* * * * *, or

(*e*) the candidate fails to be elected but secures [7]* * * * * valid votes in excess of the number specified in sub-section (*4*).

(*3*) The deposit shall be returned to the person by whom it was made. If a candidate dies [8]* * * *, before the day fixed for the poll, [8]* * *, the deposit, if made by him, shall be returned to his legal representative or, if not made by the candidate, shall be returned to the person by whom it was made.

(*4*) If a candidate is not elected and [9]* * * *, if the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled divided by the number of councillors to be elected in the ward for which the candidate is nominated, the deposit shall be forfeited to the corporation.

(*5*) The deposit shall, if it is not forfeited, be returned as soon as may be after the declaration of the result of the election under section 32 :

Provided that if a candidate is duly nomin ated at a general election in more than one ward, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the corporation.]

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[1] New section 26A was inserted by Bom. 19 of 1930, s. 4.

[2] The words "or for election by co-option" and the words "for election or co-option, as the case may be," were omitted by Bom. 32 of 1935, s. 3 (*a*).

[3] Clause (*b*) was substituted by Bom. 1 of 1946, s. 10, read with Bom. 8 of 1948, s. 4.

[4] The words "in the case of a ward election" were omitted by Bom. 32 of 1935, s. 3 (*b*) (*i*).

[5] The word "and" was deleted by Bom. 24 of 1936, s. 2, Sch.

[6] The words "in the case of an election by co-option, before the day fixed for the election by cooption" were omitted by Bom. 32 of 1935, s. 3 (*b*) (*i*).

[7] The words "a first vote in the case of an election by co-option, and, in the case of a ward election" were omitted, *ibid*, s. 3 (*b*) (*ii*).

[8] The words "in the case of a ward election" and "or, in the case of an election by co-option, before the day fixed for the election", respectively, were omitted, *ibid*, s. 3 (*c*).

[9] The words "if, in the case of an election by co-option, he fails to secure any first vote, or in the case of a ward election" were omitted, *ibid*. s. 3 (*d*).

27. (*1*) When a ward election [1]* * * * is contested, a poll shall be taken [2][twenty-one] days after the day fixed for the election. At such poll, the municipal election roll, which was in operation on the day fixed for the election, shall be deemed to be the roll to which reference must be made for the purposes of the election. Poll to be taken when a ward election is contested.

(*2*) At least [3][three] days before the day of the poll, the Commissioner shall cause the names of all the persons validly nominated, with their respective abodes and descriptions, [4]* * * * * to be published in the [5][*Official Gazette*] and in the local newspapers. Names of candidates validly nominated to be published.

[6]28. With respect to the contested ward elections the following provisions shall have effect, namely :— Provisions respecting contested ward elections.

(*a*) votes shall be given by ballot and in person. No votes shall be received by proxy ;

(*b*) no votes shall be received for any candidate whose name has not been published by the Commissioner under sub-section (*2*) of section 27 as having been validly nominated ;

(*c*) no votes shall be received from any person whose name is not enrolled in the ward roll as a voter of the ward for which the election is being held ;

[7][(*d*) when the name in a ward roll is that of a company, firm, association, body of individuals or an undivided Hindu family, all the persons whose names are entered against such company, firm, association, body of individuals or undivided Hindu family in the ward roll shall be entitled to vote.]

(*f*) in plural councillor wards every elector shall have as many votes as there are councillors to be elected at such election for such ward, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit ;

(*g*) the person, or where there is more than one councillor to be elected, the persons not exceeding the number of councillors to be elected, who have the greatest number of valid votes shall be deemed to be elected ;

(*h*) where an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Commissioner in such manner as he shall determine ;

(*i*) if a candidate is elected councillor for more than one ward, he shall, within three days after receipt of written notice thereof from the Commissioner, choose, by writing signed by him and delivered to the Commissioner, or in his default the Commissioner shall, when the time for choice has expired, declare for which of the wards he shall serve and the choice or declaration shall be conclusive ;

(*j*) when any such choice or declaration has been made, the votes recorded for the candidate aforesaid in any ward for which he is not to serve shall be deemed not to have been given and the candidate, if any, who but for the said votes would have been declared to have been elected for such ward shall be deemed to have been elected for the same ;

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[1] The words repealed by Bom. 6 of 1922, s. 15, are omitted.

[2] The words "twenty-one" were substituted for the word "seven" by Bom. 1 of 1946, s. 11, read with Bom. 8 of 1948, s. 4.

[3] The word "three" was substituted for the word "four" by Bom. 10 of 1928, s. 3 (*a*).

[4] Words repealed, *ibid*, s. 3 (*b*), are omitted.

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] Section 28 was substituted for the original section by Bom. 1 of 1925, s. 8.

[7] This clause was substituted for clauses (*d*) and (*e*) by Bom. 13 of 1938, s. 13 (*1*).

(*k*) the Commissioner shall, as soon as may be, declare the result of the poll, specifying the total number of valid votes given for each candidate, [1]* * * and shall cause lists to be prepared for each ward, specifying the name of all candidates, and the number of valid [2]* * * votes given to each candidate. In accordance with such rules as the Commissioner may frame for the purpose and on payment of such fee as may be prescribed by him a copy of such list shall be supplied to any candidate of the ward and shall be available for inspection to any voter of the ward.

Corporation may make rules for the conduct of elections.

[3]**29.** [4]Subject to the provisions of this Act the corporation shall, with the sanction of the [5][Provincial Government], make rules for the conduct of elections, and in particular providing—

(*a*) for the appointment of polling stations for each ward;

(*b*) for the appointment of polling officers and other persons to assist at the poll and for the remuneration of such polling officers and other persons for their services;

(*c*) for the hours during which polling stations shall be open for the recording of votes;

(*d*) for the printing and for the issue of voting papers;

(*e*) for the checking of voters by reference to the [6][municipal election] roll;

(*f*) for the manner in which votes are to be given and in particular for the case of illiterate voters or of voters under physical or other disability;

(*g*) for the procedure to be followed in respect of challenged votes, or tender of votes by persons representing themselves to be electors, after other persons have voted as such electors;

(*h*) for the scrutiny of votes;

(*i*) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved and for the inspection and production of such papers;

and may make such other rules regarding the conduct of the elections as it thinks fit.

Proceedings at Fellows' elections.

30. [7][(*1*) An election of a councillor by Fellows shall be made, subject to the provisions of section 15, in accordance with the statutes made by the Senate of the University of Bombay in this behalf:

Provided that no Fellow who has not resided in the city for six months immediately preceding the date of the election shall be entitled to vote at such election.]

(*2*) The Registrar of the University shall make a return in duplicate to the Commissioner setting forth the name, abode and description of every person so elected.

30A. [*Proceedings at elections of co-opted councillors.*] *Repealed by Bom. I of 1925.*

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[1] The words and figure "and he shall, as soon as may be, hear and decide all objections, if any, to or regarding the poll, made to him in writing not later than 5 o'clock of the afternoon of the day after the poll" were deleted by Bom. 1 of 1946, s. 12, read with Bom. 8 of 1948, s. 4.

[2] The words "and the number of rejected" were deleted, *ibid.*

[3] This new section 29 was inserted by Bom. 1 of 1925, s. 9. The original section 29 was repealed by Bom. 6 of 1922.

[4] Section 29 (*1*) was renumbered as section 29 by Bom. 24 of 1936, s. 2, Sch.

[5] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[6] The words "municipal election" were substituted for the word "electoral" by Bom. 1 of 1946, s. 13, read with Bom. 8 of 1948, s. 4.

[7] This sub-section was substituted for the original by Bom. 5 of 1938, s. 5.

31. [1][(*1*) An election of a councillor by a chamber or association mentioned in sub-section (*1*) of section 5 shall be made by the members for the time being of the said chamber or association, as the case may be, subject to the provisions of section 15, in accordance with the rules made by the said chamber or association in this behalf.] Proceedings at elections by the Chamber or Association.

(*2*) The Secretary to the said [2][chamber or association] shall make a return in duplicate to the Commissioner setting forth the name in full of every person so elected.

31A. [*Repealed by Bom. 17 of 1931, s. 3.*]

32. (*1*) The result of every election shall be declared by fixing, as soon as may be after the election, in some conspicuous place on the chief municipal office, a notice certifying the names of the persons, if any, elected and, in the case of a contested election, the number of votes recorded for each candidate. Declaration of results of elections.

[3][(*2*) The said notice shall be signed in the case of a ward election [4]* * * * by the Commissioner and in the case of an election by a chamber or association mentioned in sub-section (*1*) of section 5 by the Secretary of such chamber or association, and in the case of a Fellows' election, by the Registrar of the University of Bombay.]

33. (*1*) If the qualification of any person declared to be elected for being a councillor is disputed, or if the validity of any election is questioned, whether by reason of the improper rejection by the Commissioner of a nomination or of the improper reception or refusal of a vote, or for any other cause, any person enrolled in the municipal election roll may, at any time, within [5][fifteen] days [6][from the date on which the list prescribed under clause (*k*) of section 28 was available for sale or inspection in the Commissioner's office] apply to the Chief Judge of the Small Cause Court. [7][If the application is for a declaration that any particular candidate shall be deemed to have been elected, the applicant shall make parties to his application all candidates who, although not declared elected, have, according to the results declared by the Commissioner under section 32, a greater number of votes than the said candidate, and proceed against them in the same manner as against the said candidate.] Election petitions to be heard and disposed of by Chief Judge of the Small Cause Court.

[8][(*1A*) The applicant shall, whenever so required by the Chief Judge, deposit in the Court a sum of Rs. 500 in cash or Government securities of equivalent value at the market rate of the day as security for any costs which the applicant may be ordered to pay to other parties to the said application.]

(*2*) If the said Chief Judge, after making such inquiry as he deems necessary, finds that the election was a valid election and that the person whose election is objected to is not disqualified, he shall confirm the declared result of the election. [9][If he finds that the person whose election is objected to is disqualified for being a councillor he shall declare such person's election null and void. If he finds that the election is not a valid election he shall set it aside. In either

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[1] This sub-section was substituted for the original by Bom. 5 of 1938, s. 6.
[2] These words were substituted for the word "chamber" by Bom. 6 of 1922, s. 18 (*b*).
[3] Sub-section (*2*) was substituted for the original, *ibid.*, s. 19.
[4] The words "and in the case of an election by Councillors" were omitted by Bom. 32 of 1935, s. 4.
[5] "Fifteen" was substituted for "eight" by Bom. 5 of 1905, s. 5 (*1*) (*a*).
[6] These words were substituted for the original words by Bom. 1 of 1925, s. 12.
[7] These words were added by Bom. 5 of 1905, s. 5 (*1*) (*b*).
[8] Sub-section (*1A*) was inserted by Bom. 1 of 1946, s. 14, read with Bom. 8 of 1948, s. 4.
[9] These words were substituted for the original words by Bom. 5 of 1905, s. 5 (*2*).

case he shall direct that the candidate, if any, in whose favour the next highest number of valid votes is recorded after the said person or after all the persons who were returned as elected at the said election, and against whose election no cause of objection is found, shall be deemed to have been elected.]

(*3*) The said Chief Judge's order shall be conclusive.

(*4*) [1]* * * * * * * *

(*5*) Every election not called in question in accordance with the foregoing provisions shall be deemed to have been to all intents a good and valid election.

Procedure if election fails or is set aside.

[2]34. (*1*) If at any general election or an election held to fill a casual vacancy, no councillor is elected or an insufficient number of councillors are elected or the election of any or all of the councillors is set aside under sub-section (*2*) of section 33 and there is no other candidate or candidates who can be deemed to be elected in his or their place under the said sub-section, the Commissioner shall appoint another day for holding a fresh election and a fresh election shall be held accordingly.

(*2*) A councillor elected under this section shall be deemed to have been elected to fill a casual vacancy under section 9.

Appointment of Councillors by Provincial Government.

35. [*Appointments by Provincial Government of councillors when to be made.*] *Repealed by Bom. 18 of 1938, s. 14.*

Proceedings of the Corporation.

Provisions regulating the corporation's proceedings.

36. The corporation shall meet for the despatch of business and shall from time to time make such regulations with respect to the summoning, notice, place, management and adjournment of such meetings, and generally with respect to the mode of transacting and managing the business of the corporation [3][including the submission, asking and answering of questions under section 66A] as they think fit, subject to the following conditions :—

(*a*) there shall be one ordinary meeting in each month; the ordinary meeting in the month of March shall be held not later than on the twentieth day of that month;

(*b*) the first meeting in the month of April, after general elections, shall be held as early as conveniently may be in the said month on a day and at a time and place to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner;

(*c*) the day, time and place of meeting shall in every other case be fixed by the [4][Mayor], or in the event of the office of [4][Mayor] being vacant, or of the death or resignation of the [4][Mayor] or of his ceasing to be a councillor, or of his being incapable of acting, by the chairman of the standing committee;

(*d*) the [4][Mayor] or in any such event as aforesaid, the chairman of the standing committee may, whenever he thinks fit, and shall, upon a written requisition signed by not less than sixteen councillors or by not less than four members of the standing committee, call a special meeting;

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[1] Sub-section (*4*) was omitted by Bom. 28 of 1935, s. 3.
[2] Section 34 was substituted for the original section, *ibid.*, s. 4.
[3] These words, figures and letter were inserted by Bom. 23 of 1930, s. 2 (*i*).
[4] The word "Mayor" was substituted for original words by Bom. 21 of 1931, s. 2.

(*e*) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution, which shall be put by the presiding authority, of his own motion or at the request of any councillor present, without previous discussion, that any inquiry or deliberation pending before the corporation is such as should be held in private, and provided that the presiding authority, may at any time cause any person to be removed who interrupts the proceedings;

(*f*) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present falls short of [1][twenty-five], inclusive of the presiding authority, the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed of at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at any subsequent adjourned meeting, whether there be a quorum of [1][twenty-five] numbers present thereat or not;

(*g*) every meeting shall be presided over by the [2][Mayor] if he is present at the time appointed for holding the same, and if the office of [2][Mayor] is vacant, or if the [2][Mayor] is absent, by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion;

(*h*) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget-estimate, in pursuance of a written requisition signed by not less than four members of the standing committee, upon a notice of not less than three clear days; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment;

(*j*) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted thereat [3][other than questions under section 66A] and shall be given by the municipal secretary by advertisement in the local newspapers and, except in the case of adjourned meetings or of meetings called upon a requisition of urgency, in the [4][*Official Gazette*];

(*k*) any councillor who desires at any meeting to bring forward any business, [5][other than any questions under section 66A] or to make any substantive proposition, which is not already specified in the notice of such meeting, shall give written notice of the same to the municipal secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business or propositions, of which notice has been so given, shall be given by the said secretary in not less than one local daily newspaper not later than the day previous to the meeting;

(*l*) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (*j*) [6][and any questions asked under section 66A] or urgent business not specified

[1] The word "twenty-five" was substituted for the original word "twenty" by Bom. 10 of 1928, s. 5.
[2] The word "Mayor" was substituted for original words by Bom. 21 of 1931, s. 2.
[3] These words, figures and letter were inserted by Bom. 23 of 1930, s. 2 (*ii*).
[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.
[5] The words, figures and letter were inserted by Bom. 23 of 1930, s. 2 (*iii*).
[6] These words, figures and letter were inserted, *ibid.*, s. 2 (*iv*).

in the said notice which the [1][standing committee, the improvements committee, the schools committee or the Commissioner deem] it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any published under clause (*k*), or which is not in support of the recommendation of the standing committee [2][the improvements committee, the schools committee or the Commissioner, as the case may be, with reference to any urgent business brought by any] of those authorities, respectively before the meeting: Provided that no such urgent business as aforesaid shall be brought before any meeting unless at least three-fourths of the councillors present at such meeting, such three-fourths being not less than fifteen in number, assent to its being brought forward thereat;

(*m*) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget-estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget-estimate, as the case may be; and no proposition involving any change in the taxes which the standing committee propose to impose, or an increase or decrease of any item of expenditure in a budget-estimate, shall be made or discussed at any meeting at which such budget-estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (*j*) or in the supplementary announcement, if any, published under clause (*k*), or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (*n*) has been fulfilled;

(*n*) any meeting may, with the consent of a majority of the councillors present, be adjourned from time to time, but no business shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business and propositions remaining undisposed of at the meeting from which the adjournment took place: Provided that at any adjourned meeting at which a budget-estimate is under consideration a proposition involving any change such as is described in clause (*m*), may be made and discussed, notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjournment took place, if eachof the following conditions has been fulfilled, namely—

(*i*) that written notice of such proposition has been given at the meeting from which the adjournment took place;

(*ii*) that the adjournment has been for not less than [3][two] clear days; and

(*iii*) that a special announcement of the proposition has been given by the municipal secretary (who shall be bound to give such announcement) in not less than one local daily newspaper not later than the day previous to the adjourned meeting;

(*o*) a minute of the names of the councillors present and of the proceedings at every meeting shall, on the day following the meeting, or as soon thereafter as may be, be drawn up and fairly entered by the municipal secretary in a book to be provided for this purpose and shall be signed at, and by the presiding authority of, the next ensuing meeting; and the said minute book shall at

[1] These words were substituted for the original by Bom. 76 of 1948, s. 2.
[2] These words were substituted for the original, *ibid.*
[3] This word was substituted for the word "three", *ibid.*

all reasonable times be open at the chief municipal office to inspection by any councillor free of charge, and by any other person on payment of a fee of eight annas;

(*p*) a councillor shall not vote or take part in the discussion of any matter before a meeting [1][or ask any question under section 66A concerning any matter] in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person;

([2]) every question other than the question whether the standing committee [the improvements committee, the schools committee] or the Commissioner shall be permitted to bring urgent business before a meeting without notice, shall be decided by a majority of votes of the councillors present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*r*) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute-book shall, unless a poll be demanded at the time of such declaration by not less than four councillors, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

(*s*) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book;

(*t*) the Commissioner shall have the same right of being present at a meeting of the corporation and of taking part in the discussions thereat as a councillor, and with the consent of a majority of the councillors present, ascertained by a show of hands, without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.

[3][(*u*) the corporation may require any of its officers to attend any meeting or meetings of the corporation at which any matter dealt with by such officer in the course of his duties is being discussed. When any officer is thus required to attend any such meeting, he may be called upon to make a statement or explanation of facts or supply such information in his possession relating to any matter dealt with by him as the corporation may require.]

Power to order withdrawal of member.

[4]**36A.** (*1*) The [5][presiding authority] shall preserve order and may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the corporation. Any councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any councillor is ordered to withdraw a second time within 15 days, the [5][presiding authority] may suspend the councillor from attending the meetings of the corporation for any period not exceeding 15 days and the councillor so directed shall absent himself accordingly:

Provided that the [5][presiding authority] may remit the period of suspension on apology being made to his satisfaction by the councillor under suspension:

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[1] These words, figures and letter were inserted by Bom. 23 of 1930, s. 2 (*v*).

[2] These words were inserted by Bom. 76 of 1948, s. 2.

[3] Clause (*u*) was added by Bom. 4 of 1947, s. 2.

[4] New section 36A was inserted by Bom. 10 of 1928, s. 6.

[5] The words "presiding authority" were substituted for the word "president" by Bom. 21 of 1931, s. 2 (*ii*).

Provided also that such suspension from the service of the corporation shall not prevent any councillor from serving on any committee.

(*2*) The [1][presiding authority] may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.

[2][*Mayor.*]

Appointment of Mayor.

37. (*1*) The corporation shall, at their first meeting in each official year, appoint one of their own number to be [2][Mayor] until the first meeting of the corporation in the next following official year, unless the councillors in the meantime retire from office, and then until the day for retirement.

(*2*) Any councillor who ceases to be [2][Mayor] shall be re-eligible.

(*3*) If any casual vacancy occurs in the office of [2][Mayor], the corporation shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every [2][Mayor] so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

Committees.

Appointment of consultative committees for special purposes.

38. The corporation may from time to time appoint out of their own body such and so many committees consisting of such number of persons, and may refer to such committees for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as they shall think fit.

Special committees of the corporation.

[3]**38A.** (*1*) The corporation may from time to time appoint, out of their own body, special committees and may by specific resolution carried by a vote of at least two-thirds of the members of the corporation present at the meeting delegate any of their powers and duties to such committees, and may also by a like resolution define the sphere of business of each special committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the corporation with such committee's recommendation.

(*2*) Every special committee shall conform to any instructions that may from time to time be given to them by the corporation.

(*3*) The corporation may, at any time, dissolve or subject to any rules made by them in this behalf alter the constitution of any special committee.

(*4*) Every special committee shall appoint two of their number to be their Chairman and Deputy Chairman :

Provided that no member shall, at the same time, be the Chairman of more than one special committee.

(*5*) In the absence of the Chairman or Deputy Chairman, the members of the special committee present shall choose one of their number to preside over their meeting.

(*6*) All the proceedings of every special committee shall be subject to confirmation by the corporation :

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[1] The words "presiding authority" were substituted for the word "president" by Bom. 21 of 1931, s. 2 (*ii*).

[2] The word "Mayor" was substituted for the original words, *ibid.*, s. 2 (*i*).

[3] This section was inserted by Bom. 1 of 1925, s. 13.

Provided that any special committee may by a resolution supported by at least one-half of the whole number of members of the committee direct that action be taken in accordance with the decision of such committee without waiting for confirmation of their proceedings by the corporation, if the committee consider that serious inconvenience would result from delay in taking such action; but if the corporation do not confirm the proceedings of the special committee, such steps shall be taken to carry out any orders passed by the corporation as may still be practicable:

Provided also that, if, in delegating any of their powers or duties to a special committee under sub-section (*1*), the corporation direct that the decision of the special committee shall be final, then so much of the proceedings of the special committee as relate to such powers or duties shall not be subject to confirmation by the corporation, if such decision is supported by at least one-half of the whole number of members of the committee.

(*7*) The corporation may make rules for regulating the constitution of special committees and the conduct of business at meetings of such committees, and for the keeping of minutes and the submission of reports.

Special committees of the standing committee [4][or the Improvements Committee].

[1][[2]38B. The standing committee [3][or the Improvements Committee] may, from time to time, by a resolution carried by a vote of at least two-thirds of their members present at the meeting, delegate to any special committee appointed under section 38A any of their powers and duties in respect of any matter with which such special committee are competent to deal, or refer to any such committee any such matter for disposal or report, and every such special committee shall conform to any instructions that may from time to time be given to them by the standing committee [5][or Improvements Committee, as the case may be,] in this behalf:

Provided that every such resolution shall be reported by the standing committee [5][or the Improvements Committee, as the case may be,] to the corporation as soon as possible, and the corporation may at any time cancel such resolution.

Appointment of sub-committees by the Improvements Committee.

[6][38C. The Improvements Committee may from time to time appoint out of their own body sub-committees consisting of such number of persons as the Improvements Committee may think fit and may refer to such sub-committees for inquiry and report or for opinion any matter with which the Improvements Committee is competent to deal under the provisions of this Act.]

Appointment by the corporation of a Schools' Committee for purposes of primary education.

39. [7][(*1*) (*a*) It shall be the duty of the corporation to appoint on or about 1st April 1933 in place of the existing schools' committee and thereafter as provided in sub-section (*1-A*), a schools' committee of sixteen members for the purpose of giving effect to the provisions as to primary education hereinafter enacted. Of the members so appointed [8]* * * * * * * four, of whom two shall be women, shall be persons [9][whose names are entered in the election roll, but who are not councillors].

[10]* * * * * *

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[1] This section was inserted by Bom. 1 of 1925, s. 13.
[2] "Section 38B (*1*)" was renumbered "38B" by Bom. 13 of 1933, s. 4 (*1*).
[3] These words were inserted, *ibid.*, s. 4 (*3*) (*i*).
[4] The words "or the Improvements Committee" were added to the marginal note, *ibid.*, s. 4 (*2*).
[5] These words were inserted, *ibid.*, s. 4 (*3*) (*ii*).
[6] New section "38C." was inserted, *ibid.*, s. 5.
[7] Sub-section (*1*) was substituted by Bom. 8 of 1932, s. 2 for the sub-section which was substituted the original sub-section by Bom. 6 of 1916, s. 2 (*a*).
[8] The words deleted by Bom. 13 of 1933, s. 15 (*1*) are omitted.
[9] These words were substituted, *ibid.*
[10] Clause (*b*) was deleted, *ibid*, s. 15 (*2*).

[1][(*1-A*) The schools' committee shall be appointed by the corporation at their first meeting in the month of April after each general election.

[1](*1-B*) A person shall not be eligible for appointment as a member of the schools' committee if he is directly or indirectly interested in any immoveable property on or in which any municipal school or office is located, or, in any institution or school, which receives a donation or grant-in-aid from the schools' committee or the corporation.

Explanation.—A person shall be deemed to be "interested" within the meaning of this sub-section if he derives or has been promised, directly or indirectly, any pecuniary gain from or in respect of such property, institution or school, whether by way of a price or rent or premium or other thing of value, whether of the like nature or not.

[1](*1-C*) If any person having been appointed to be a member of the schools' committee becomes subject to the disqualification mentioned in sub-section (*1-B*) [2][or absents himself during three successive months from the meetings of the committee, except on account of temporary illness or other cause to be approved by the committee, or absents himself from or is unable to attend the meetings of the committee during eight successive months from any cause whatever, whether approved by the committee or not, such person] shall be disabled from continuing to be a member of the schools' committee and his seat shall become vacant.

[1](*1-D*) In the event of non-acceptance of office by a person appointed to be a member of the schools' committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office [3][or of his seat becoming vacant under sub-section (*1-C*),] the vacancy shall be filled up, as soon as it conveniently may be by the appointment [4][subject to the provisions of sub-section (*1*) [5]* * * *] by the corporation of a person thereto, who shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

[1](*1-E*) If any question or dispute arises whether a vacancy has occurred under this section the orders of the corporation shall be final for the purpose of deciding such question or dispute.

[1](*1-F*) The schools' committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new schools' committee is appointed under sub-section (*1-A*), notwithstanding that the members of the said committee or some of them may no longer be councillors.]

(*2*) [6]* * * The members [6]* * * duly appointed may perform all the functions legally pertaining to the committee, notwithstanding any default, delay or defect in the appointment of any member.

[7][(*3*) (*a*) The schools' committee shall at their first meeting in each official year appoint one of their own number, being a councillor, to be their chairman until the first meeting of the said committee in the next following official year.

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[1] Sub-sections (*1-A*) to (*1-F*) were added by Bom. 18 of 1930, s. 2 (*a*).
[2] These words were substituted for the word "he" by Bom. 5 of 1938, s. 7 (*a*).
[3] This was inserted, *ibid*, s. 7 (*b*).
[4] These words were inserted by Bom. 8 of 1932, s. 3.
[5] The words "relating to the representation of communities" were deleted by Bom. 13 of 1938, s. 15 (*4*).
[6] Portion repealed by Act 16 of 1895 is omitted.
[7] Sub-section (*3*) was substituted by Bom. 18 of 1930, s. 2 (*b*), for the original sub-section (*3*) as amended by Bom. 3 of 1907, s. 8 (*2*) and Bom. 6 of 1916, s. 2 (*b*).

Bom. XVIII of 1930.

(*b*) The term of office of the chairman retiring first after the commencement of the City of Bombay Municipal (Amendment) Act, 1930, shall continue until such time as a new chairman shall have been appointed under clause (*a*) of this sub-section and shall have taken over charge of his duties.

(*c*) The retiring chairman shall be eligible for reappointment.

(*d*) If any casual vacancy occurs in the office of chairman, the schools' committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number, being a councillor, to fill such vacancy and every chairman so chosen shall continue in office only so long as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.]

(*4*) [1][(*a*) One-half of the members of the schools' committee shall retire at noon on the first day of April every year.

(*b*) The members who shall retire one year after the schools' committee is constituted under sub-section (*1*) (*a*) shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.

(*bb*) During the succeeding years the members who shall retire under clause (*a*) shall be the members who were longest in office :

Provided that in the case of a member who has been re-elected the term of his office for the purposes of this clause shall be computed from the date of his re-election.]

(*c*) The corporation shall at their ordinary meeting in the month of March appoint [2][subject to the provisions of sub-section (*1*) [3]* * * * * * * fresh members of the schools' committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid.

(*d*) Any retiring member of the schools' committee shall be eligible for re-appointment.]

[4][(*5*) The schools' committee shall meet for the despatch of business in the chief municipal office and may from time to time, make such regulations with respect to meetings and to the management of schools under their control subject to the following conditions :—

(*a*) there shall be a meeting of the schools' committee once a month and at such other times as shall be found necessary ;

(*b*) the first meeting of each schools' committee shall be held on a day and at a time to be fixed by the [5][Mayor] and if not held on that day shall be held on some subsequent day to be fixed by the [5][Mayor] ; and every subsequent meeting of the schools' committee shall be held on such day and at such time as the said committee from time to time determine ;

(*c*) the chairman of the schools' committee may, whenever he thinks fit, and shall, upon the written request of not less than four members, call a special meeting ;

(*d*) no business shall be transacted at a meeting of the schools' committee unless at least eight members are present ;

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[1] Clauses (*a*), (*b*) and (*bb*) were substituted for clauses (*a*) and (*b*) by Bom. 13 of 1938, s. 15 (*3*).

[2] These words were inserted by Bom. 8 of 1932, s. 4.

[3] The words "relating to the representation of communities" were deleted by Bom. 13 of 1938, s. 15 (*4*).

[4] New sub-section (*5*) was substituted by Bom. 18 of 1930 for the original sub-section (*5*) as amended by Bom. 3 of 1907, s. 8 (*3*).

[5] The word "Mayor" was substituted for the original words by Bom. 21 of 1931, s. 2 (*b*).

(*e*) every meeting of the schools' committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the councillor members present as may be chosen by the meeting to be chairman for the occasion;

(*f*) every question shall be decided by a majority of votes of the members of the schools' committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*g*) a minute shall be kept by the secretary to the schools' committee of the names of the members present and of the proceedings at each meeting of the schools' committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the committee at such meeting;

(*h*) a member of the schools' committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner any share or interest such as is described in clauses (*g*) to (*l*) both inclusive, of sub-section (*2*) of section 16, or in which he is professionally interested on behalf of a client, principal or other person.]

(*6*) The corporation shall [1]* * *. supply the committee with accommodation, stationery and the other material requisite for the due discharge of its duties on the requisition of the chairman, signified by him, by any member of the committee or by the secretary.

[2][(*7*) The schools' committee shall provide out of the funds placed at its disposal by the corporation for the accommodation and maintenance of primary schools which at any time vest wholly or partly in the corporation, and for otherwise aiding primary education in accordance with the provisions of this Act and with rules made by the corporation in this behalf.]

(*8*) An order signed by the chairman of the said committee shall be sufficient warrant for the disbursement by any person holding the [3][said funds] or any part thereof, of any sum thereout in accordance with such order.

[4]* * * *

(*9*) The [5]* * * schools' committee shall appoint and remove masters, teachers and other persons employed in the primary schools maintained out of the [6][municipal fund] and shall direct and control the instruction given in such schools and the terms and conditions of such instructions. [7]* * *

(*10*) The [8]* * * schools' committee may, by by-law duly made under section 461, be invested with the powers and duties of any authority constituted under this Act, in so far as shall be necessary or expedient in order to the fulfilment of the functions imposed on such committee as contemplated in this section and in section 61, clause (*q*), and to the extent to which such committee is invested as aforesaid, the powers and duties of the said authority shall be in abeyance, save as so vested and exercised accordingly.

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[1] Portion repealed by Bom. 3 of 1907, s. 8 (*4*), is omitted.
[2] Sub-section (*7*) was substituted for the original, *ibid.*, s. 8 (*5*).
[3] These words were substituted for the word "school-fund" by Bom. 3 of 1907, s. 8 (*6*).
[4] New sub-section (*8-A*) which was inserted by Bom. 6 of 1931, s. 2 was repealed by Bom. 2 of 1938, s. 2.
[5] Portion repealed by Bom. 3 of 1907, s. 8 (*3*) is omitted.
[6] These words were substituted for the word "school-fund", *ibid.*, s. 8 (*7*) (*a*).
[7] Portion repealed, *ibid.*, s. 8 (*7*) (*b*) is omitted.
[8] Portion repealed, *ibid.*, s. 8 (*3*), is omitted.

40. The corporation may, for the purpose of giving effect to measures and arrangements in furtherance of secondary education or any branch of technical or other instruction, appoint or join in appointing a committee [1]* * * as may be determined by any by-law made under section 461, and such committee shall have in relation to the branch of education and the institutions for which it is appointed the like powers and duties as are herein assigned to the [1]* * * schools' committee, save as the same may be varied by any by-law made under the said section. Committee may be appointed for other educational purposes.

41. The corporation, either singly or in concurrence with [2][the Provincial Government], may appoint a Hospital Committee with such constitution, powers and duties with respect to hospitals and institutions for the benefit of the aged, sick and infirm, vesting wholly or partly in the corporation and supported or aided out of its funds, as may be defined and provided by by-laws made under section 461 or by any agreement made with [2][the Provincial Government] in this behalf. Appointment of Hospital Committee.

(B) The Standing Committee.

42. The standing committee shall consist of [3][sixteen] councillors [4]* * * * * * * . Constitution of standing committee.

43. (*1*) The corporation shall at their first meeting in the month of April, after general elections, appoint [5][sixteen] persons out of their own body to be members of the standing committee. Members of the standing committee when to be appointed.

[6]* * * * * * *

44. (*1*) The standing committee shall at their first meeting in each official year appoint one of their own number to be their chairman until the first meeting of the said committee in the next following official year. Appointment of chairman of standing committee.

(*2*) A member of the standing committee who ceases to be chairman shall be re-eligible.

(*3*) If any casual vacancy occurs in the office of chairman, the standing committee shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their number to fill such vacancy and every chairman so chosen shall continue in office so long only as the person in whose place he is appointed would have been entitled to continue if such vacancy had not occurred.

[7]**45.** (*a*) One half of the members of the standing committee shall retire at noon on the first day of April every year. Members of standing committee to retire by rotation.

(*b*) The members who shall retire one year after the standing committee is constituted under section 43 shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman may determine.

(*c*) During the succeeding years, the members who shall retire under this section shall be the members who were longest in office :

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[1] Portion repealed by Bom. 3 of 1907, s. 8 (8), is omitted.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The word "sixteen" was substituted for the word "twelve" by Bom. 6, of 1922, s. 20.

[4] The words deleted by Bom. 13 of 1938, s. 16, are omitted.

[5] This word was substituted for the word "twelve" *ibid.*, s. 17 (*1*).

[6] Sub-section (*2*) was deleted, *ibid.*, s. 17 (2).

[7] This section was substituted for the original, *ibid.*, s. 18.

Provided that in the case of a member who has been re-elected the term of his office for the purposes of this clause shall be computed from the date of his re-election.]

Appointment of members of standing committee to replace those who retire.

46. (*1*) The corporation shall at their ordinary meeting in the month of March appoint fresh members of the standing committee to fill the offices of those previously appointed by them who retire from time to time as aforesaid, [1]* * * * * *

(*2*) Any councillor who ceases to be a member of the standing committee shall be re-eligible.

Member of standing committee absenting himself for three months from meetings to vacate seat.

[2][**46A.** Any member of the standing committee who absents himself during three successive months from the meetings of the committee, except on account of temporary illness or other cause to be approved by the committee, or absents himself from or is unable to attend the meetings of the committee during eight successive months, from any cause whatever, whether approved by the committee or not, shall cease to be a member of the standing committee and his seat shall thereupon be vacant.]

Casual vacancies in the standing committee how to be filled up.

47. In the event of non-acceptance of office by a councillor appointed to be a member of the standing committee or of the death, resignation or disqualification of a member of the said committee or of his becoming incapable of acting previous to the expiry of his term of office [3][or of his seat becoming vacant under section 46A] the vacancy shall be filled up as soon as it conveniently may be, by the appointment [4]* * * * of a person thereto, who shall hold office so long only as the member in whose place he is appointed would have been entitled to hold it, if the vacancy had not occurred.

Each standing committee to continue in office till a new committee is appointed.

48. The standing committee in existence on the day for the retirement of councillors shall continue to hold office until such time as a new standing committee is appointed under section 43, notwithstanding that the members of the said committee or some of them may no longer be councillors.

Provisions regulating the proceedings of the standing committee.

49. The standing committee shall meet for the despatch of business in the chief municipal office and may, from time to time, make such regulations with respect to such meetings and with respect to the scrutiny of the municipal accounts as they think fit, subject to the following conditions :—

(*a*) there shall be a meeting of the standing committee once a week, and at such other times as shall be found necessary ;

(*b*) the first meeting of each standing committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner ; and every subsequent meeting of the standing committee shall be held on such day and at such time as the said committee from time to time determine ;

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[1] The words beginning with "and, within one week" and ending with "as aforesaid" were deleted by Bom. 13 of 1938, s. 19.

[2] This section was inserted, by Bom. 5 of 1938, s. 8.

[3] This was inserted, *ibid.*, s. 9.

[4] The words "by the corporation or by Government, as the case may be" were deleted by Bom. 13 of 1938, s. 20.

(*c*) the chairman of the standing committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the said committee within twenty-four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said committee;

(*d*) no business shall be transacted at a meeting of the standing committee unless at least six members are present from the beginning to the end of such meeting;

(*e*) every meeting of the standing committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion;

(*f*) every question shall be decided by a majority of votes of the members of the standing committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*g*) subject to any by-laws in this behalf made under clause (*t*) of section 461, the standing committee may from time to time, by a specific resolution in this behalf, delegate any of their powers or duties to sub-committees consisting of such members of the said committee not less in number than three on each sub-committee, as they think fit; and any sub-committee so formed shall conform to any instructions that may from time to time be given to them by the standing committee and the said committee may at any time discontinue or alter the constitution of any sub-committee so formed;

(*h*) a sub-committee may elect a chairman of their meetings, and if no such chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee, present shall choose one of their number to be chairman of such meeting;

(*i*) sub-committees may meet and adjourn as they think proper, but the chairman of the standing committee may, whenever he thinks fit, and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee;

(*j*) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present and, in case of an equality of votes, the chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof;

(*k*) a minute shall be kept by the municipal secretary of the names of the members present and of the proceedings at each meeting of the standing committee and at each sub-committee's meetings in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting;

(*l*) a member of the standing committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16 or in which he is professionally interested on behalf of a client, principal or other person;

(*m*) the Commissioner shall have the same right of being present at a meeting of the standing committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty to vote upon, or make, any proposition at such meeting.

(*f*) every question shall be decided by a majority of votes of the members of the Improvements Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*g*) a minute shall be kept by the municipal secretary of the names of the members present and of the proceedings at each meeting of the Improvements Committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting;

(*h*) a member of the Improvements Committee shall not vote or take part in the discussion before the said committee or before any sub-committee of any matter in which he has, directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of section 16, or in which he is professionally interested on behalf of a client, principal or other person;

(*i*) the Commissioner or the Deputy Municipal Commissioner (Improvements), or, in the absence of the latter, a Deputy Municipal Commissioner when authorised by the Commissioner in this behalf, shall have the same right of being present at a meeting of the Improvements Committee and of taking part in the discussions thereat as a member of the said committee, but he shall not be at liberty so vote upon, or make, any proposition at such meeting;

(*j*) any member of the Improvements Committee who absents himself during three successive months from the meetings of the Committee, except on account of temporary illness or other cause to be approved by the Committee [1][or absents himself from or is unable to attend the meetings of the committee during eight successive months from any cause whatever, whether approved by the committee or not] shall cease to be a member and his office shall thereupon be vacant.

Existing committee to continue pending formation of new Improvements Committee.

[2]**49J.** The Improvements Committee in existence when the City of Bombay Municipal (Amendment) Act, 1933, comes into operation shall, so far as is not inconsistent with the provisions of the City of Bombay Municipal (Amendment) Act, 1933, continue to exercise all the powers and to perform all the duties vested in or imposed on the Improvements Committee under the City of Bombay Improvement Trust Transfer Act, 1925, until the Improvements Committee to be formed in accordance with the provisions of the City of Bombay Municipal (Amendment) Act, 1933, shall have been so formed.] Bom. XIII of 1933. Bom. XVI of 1925. Bom. XIII of 1933.

[3][(*B2*) *The Bombay Electric Supply and Transport Committee.*]

Constitution of Bombay Electric Supply and Transport Committee.

50. (*1*) The corporation shall appoint a committee to be called the Bombay Electric Supply and Transport Committee for the purpose of conducting the Bombay Electric Supply and Transport Undertaking in accordance with the provisions of this Act and subject to the conditions and limitations as are in this Act contained.

(*2*) The committee shall consist of nine members.

(*3*) The Chairman of the standing committee shall be an ex-officio member of the committee and the other members shall be appointed by the corporation from among persons who, in the opinion of the corporation, have had experience

[1] These words were inserted by Bom. 5 of 1938, s. 11.
[2] New sections 49A, 49B, 49C, 49D, 49E, 49F, 49G, 49H, 49I and 49J were inserted by Bom. 13 of 1933, s. 6.
[3] This heading and sections 50 to 50G were inserted by Bom. 48 of 1948, s. 6.

of, and have shown capacity in, administration, transport, or electric supply, or in engineering, industrial, commercial, financial or labour matters and who may or may not be councillors..

(*4*) A person shall be disqualified for being appointed as, and for being, a member of the committee if, under the provisions of section 16, he is disqualified for being elected as, and for being, a councillor.

Term of office of members of Bombay Electric Supply and Transport Committee.

50A. (*1*) The persons appointed as members of the Bombay Electric Supply and Transport Committee under the provisions of section 3 of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall be deemed to have been appointed as such members under section 50 and shall continue in office accordingly.

Bom. XXXIII of 1947.

(*2*) One half of the members of the committee appointed by the corporation shall retire on the first day of April 1950 and thereafter, one half of the members shall retire on the first day of April in every second year.

(*3*) The members who shall retire on the first day of April 1950 shall be selected by lot at such time previous to the first day of March immediately preceding and in such manner as the Chairman of the committee may determine. Thereafter the members who shall retire shall be the members who were longest in office :

Provided that in the case of a member who has been re-appointed, the term of his office for the purpose of this sub-section shall be computed from the date of his re-appointment.

(*4*) Vacancies caused by the retirement of members under sub-section (*2*) shall be filled by the appointment by the corporation of duly qualified persons thereto at their ordinary meeting in the month of March immediately preceding the occurrence of the vacancies :

Provided that in any year in which general elections of councillors are held, such vacancies shall be filled by the corporation at their first meeting in the month of April after such elections and the members who would under sub-section (*2*) have retired on the first day of April shall continue to be in office until new members have been appointed under this sub-section.

(*5*) A retiring member shall be eligible for re-appointment.

Disqualification of members of Bombay Electric Supply and Transport Committee.

50B. (*1*) Any person who, having been appointed a member of the Bombay Electric Supply and Transport Committee,—

(*a*) becomes disqualified for being a member of the committee under the provisions of sub-section (*4*) of section 50, or

(*b*) absents himself during six successive meetings of the committee except from temporary illness or other cause to be approved by the committee, or

(*c*) absents himself from or is unable to attend the meetings of the committee during six successive months from any cause whatsoever,

shall cease to be a member of the committee and his office shall thereupon become vacant.

(*2*) If any question or dispute arises whether a vacancy has occurred under sub-section (*1*), the Commissioner shall, at the request of the corporation, apply to the Chief Judge of the Small Cause Court, and the said Chief Judge, after making such inquiry as he deems necessary, shall determine whether a vacancy has occurred, and his decision shall be final.

Casual vacancies how to be filled up.

50C. In the event of non-acceptance of office by any person appointed to be a member of the Bombay Electric Supply and Transport Committee or of the death, resignation or disqualification of a member of the committee, or of his becoming incapable of acting, or of his office becoming vacant under the provisions of section 50B, the vacancy shall be filled up, as soon as conveniently may be, by the appointment by the corporation of a duly qualified person thereto, and such person shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

Chairman of Bombay Electric Supply and Transport Committee.

50D. (*1*) The Bombay Electric Supply and Transport Committee shall, after their appointment, at their first meeting in each official year appoint one of their members to be the Chairman until the first meeting of the committee in the next official year:

Provided that the Chairman of the Bombay Electric Supply and Transport Committee appointed under section 8 of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall continue to act as the Chairman until a new Chairman is appointed under the provisions of sub-section (*2*). Bom. XXXIII of 1947.

(*2*) The committee shall thereafter at their first meeting in each official year appoint one of their members as Chairman until the first meeting of the committee in the next following year.

(*3*) The retiring Chairman shall be eligible for re-appointment as Chairman.

(*4*) Notwithstanding the provisions of sub-sections (*1*) and (*2*) the Chairman shall vacate office as soon as he ceases to be a member of the committee.

(*5*) In the event of the office of Chairman falling vacant previous to the expiry of his term the committee shall, as soon as conveniently may be after the occurrence of the vacancy, appoint one of their number to fill such vacancy and the Chairman so appointed shall hold office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

Meetings of Bombay Electric Supply and Transport Committee.

50E. (*1*) The Bombay Electric Supply and Transport Committee shall meet for the despatch of business at such place as the committee may from time to time decide and until a decision has been taken to meet elsewhere, shall meet in the chief municipal office.

(*2*) The committee may, from time to time, make such regulations with regard to the meetings of the committee and sub-committees as the committee think fit, subject to the following conditions:—

(*a*) there shall be a meeting of the committee once a fortnight and at such other times as shall be found necessary;

(*b*) the first meeting of the committee shall be held on a day and at a time to be fixed by the Mayor and, if not held on that day, shall be held on some subsequent day to be fixed by the Mayor; and every subsequent meeting of the committee shall be held on such day and at such time as the committee may from time to time determine;

(*c*) the Chairman of the committee may, whenever he thinks fit, and shall, upon a written requisition signed by the Commissioner or the General Manager, or by not less than three members of the committee, within forty-eight hours of the receipt by him of the requisition, call a special meeting of the committee for the transaction of any business;

(*d*) no business shall be transacted at a meeting of the committee unless at least four members are present from the beginning to the end of such meeting;

(*e*) every meeting of the committee shall be presided over by the Chairman, if the Chairman is present at the time for holding the meeting, and, if the Chairman is absent, by such one of the members as may be chosen by the meeting to be chairman for the occasion;

(*f*) every question shall be decided by a majority of votes of the members of the committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(*g*) the committee shall cause to be kept a minute of the names of the members present and of the proceedings at each meeting of the committee in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting after confirmation by the committee at such meeting;

(*h*) a member of the committee shall not vote upon, or take part in, the discussion before the committee or before any sub-committee of any matter in which he has directly or indirectly, by himself or by his partner, any share or interest such as is described in clauses (*g*) to (*l*), both inclusive, of sub-section (*2*) of section 16, or in which he is professionally interested on behalf of a client, principal or other person.

(*3*) The Commissioner and in his absence the Deputy Commissioner authorised by the Commissioner in this behalf and the General Manager and in his absence any officer authorised by the General Manager in this behalf shall have the same right of being present at a meeting of the committee and of taking part in the discussion thereat as a member of the committee, but shall not be at liberty to vote upon or make any proposition at such meeting.

Fees for attendance at meetings of Bombay Electric Supply and Transport Committee.

50F. The Chairman and members of the Bombay Electric Supply and Transport Committee shall be paid such fees for attending meetings of the committee as may be prescribed by rules framed by the corporation under this section with the sanction of the Provincial Government.

Sub-committees of the Bombay Electric Supply and Transport Committee.

50G. (*1*) The Bombay Electric Supply and Transport Committee may from time to time appoint out of their own body sub-committees consisting of such number of persons as the committee may think fit.

(*2*) The committee may by specific resolution carried by the vote of at least two-thirds of their number present at the meeting delegate any of their powers and duties to a sub-committee and may also by a like resolution define the sphere of business of such sub-committee.

(*3*) The committee may refer to a sub-committee appointed under sub-section (*1*) for inquiry and report or for opinion any matter with which the committee is competent to deal.

(*4*) Special committees and sub-committees, if any, appointed or deemed to be appointed under section 4 or section 5, as the case may be, of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall be deemed to have been appointed as sub-committees under sub-section (*1*) and shall continue to act accordingly.]

Bom. XXXIII of 1947.

Provisions regarding validity of proceedings.

Vacancy in corporation etc., not to invalidate their proceedings.

51. No act or proceeding of the corporation or of the standing committee or of any committee or sub-committee appointed under this Act be questioned on account of any vacancy in their body.

Proceedings of corporation, etc., not vitiated by disqualification, etc., of members thereof.

52. No disqualification of, or defect in, the election or appointment [1]* * of any person acting as a councillor or as the [2][Mayor] or presiding authority of the corporation or as the chairman or as a member of the standing committee or of any committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the corporation or standing committee or of any such committee or sub-committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Proceedings of meetings to be deemed to be good and valid until the contrary is proved.

53. Until the contrary is proved, every meeting of the corporation or standing committee or of a committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee or sub-committee, such committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

(C) The Municipal Commissioner.

Appointment of the Commissioner.

54. (*1*) The Municipal Commissioner for the City of Bombay shall be from time to time appointed by the [3][Provincial Government] for a renewable period of three years.

(*2*) But he shall be forthwith removed by [4][the Provincial Government] from office, if at a meeting of the corporation not less than [5][sixty-four] councillors shall vote in favour of a proposition in this behalf; and he may be removed by the [3][Provincial Government] at any time, if it shall appear to the [3][Provincial Government] that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient:

[6][Provided that when the Commissioner holds a lien on the service of [4][the Provincial Government], he shall not during the period of his appointment as Commissioner, be removed from office without the approval of the corporation.]

Deputy Municipal Commissioner.

Appointment of a Deputy Municipal Commissioner.

55. (*1*) Subject to confirmation by the [3][Provincial Government], the corporation may at any time, and from time to time, appoint a person to be a Deputy Municipal Commissioner, if it shall appear to it expedient so to do.

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[1] The words "or co-option" which were added by Bom. 6 of 1922, s. 21A, and which were deleted by Bom. 17 of 1931, s. 7, are omitted.

[2] The word "Mayor" was substituted for the original word by Bom. 21 of 1931, s. 2 (*i*).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[5] The word "sixty-four" was substituted for the word "forty-five" by Bom. 6 of 1922, s. 22.

[6] This proviso was added by Bom. 1 of 1925, s. 14.

(*2*) Every person so appointed shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is subject.

56. (*1*) A Deputy Commissioner so appointed shall be subordinate to the Commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner as the Commissioner shall from time to time depute to him: Functions of a Deputy Commissioner.

(*2*) Provided that—

(*a*) [1]* * * * * *

(*b*) The Commissioner shall inform the corporation of the powers and duties which he from time to time deputes to a Deputy Commissioner.

(*3*) All acts and things performed and done by a Deputy Commissioner, during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner.

[1][**56A.** (*1*) Subject to the previous approval of [2][the Provincial Government] the corporation shall, as soon as conveniently may be after the commencement of the City of Bombay Municipal (Amendment) Act, 1933, appoint a Deputy Municipal Commissioner to be styled the Deputy Municipal Commissioner (Improvements). Such appointment shall be in addition to any appointment of a Deputy Municipal Commissioner made under sub-section (*1*) of section 55. Appointment of Deputy Municipal Commissioner (Improvements).

(*2*) Every person so appointed shall be subject to all the liabilities, restrictions and conditions to which the Commissioner is subject under this Act.

(*3*) A person appointed Deputy Municipal Commissioner (Improvements) shall be appointed in the first instance for a period of five years, which may be renewed thereafter from time to time for a like or lesser period:

[3][Provided that if such person is a municipal officer and due to retire under regulations made and applicable to him under section 81 on a date earlier than the expiry of the period of five years from the date of appointment or reappointment, he may be appointed or reappointed for a period of five years or a lesser period.]

(*4*) The person appointed to be the Chief Officer, under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, and holding that office at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall be the Deputy Municipal Commissioner (Improvements) under this Act until the corporation shall have appointed a Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (*1*) and until such Deputy Municipal Commissioner shall have entered on the discharge of the duties of his office.] Bom. XVI of 1925.

[1][**56B.** (*1*) The Deputy Municipal Commissioner (Improvements) shall be subordinate to the Commissioner and, subject to his orders, shall exercise such of the powers and perform such of the duties of the Commissioner in connection with the improvement of the city and such other duties of a Deputy Municipal Commissioner as the Commissioner may from time to time direct: Functions of the Deputy Municipal Commissioner (Improvements).

[1] Clause (*a*) was deleted by Bom. 1 of 1897.
[2] This section was inserted by Bom. 13 of 1933, s. 7.
[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
[4] This proviso was added by Bom. 76 of 1948, s. 3.

Provided that the Commissioner shall inform the corporation of the powers and duties which he from time to time deputes to the Deputy Municipal Commissioner (Improvements).

(2) All acts and things performed and done by the Deputy Municipal Commissioner (Improvements), during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner.]

Remuneration of Commissioner and Deputy Commissioner.

Salary of the Commissioner.

57. (1) The Commissioner shall receive [1][such monthly salary not exceeding three thousand rupees and not less than two thousand rupees as the Provincial Government may determine], in return wherefor he shall, except as hereinafter provided, devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force :

Duties which may be undertaken by the Commissioner outside of this Act.

(2) Provided that he may at any time—

(a) hold the office of a trustee of the port of Bombay ;

(b) with the sanction of the corporation, serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

[2]* * * * * * *

Remuneration of a Deputy Municipal Commissioner.

58. A Deputy Municipal Commissioner shall receive such monthly salary not exceeding rupees fifteen hundred and not less than rupees twelve hundred as the corporation shall, from time to time, determine.

Remuneration of the Deputy Municipal Commissioner (Improvements).

[3]58A. The Deputy Municipal Commissioner (Improvements) shall receive such monthly salary not exceeding rupees fifteen hundred and not less than rupees twelve hundred as the corporation shall, from time to time, determine :

Provided that the person holding office of the Chief Officer under section 26 of the City of Bombay Improvement Trust Transfer Act, 1925, at the commencement of the City of Bombay Municipal (Amendment) Act, 1933, shall, so long as he continues to be the Deputy Municipal Commissioner (Improvements) under the provisions of sub-section (4) of section 56A, receive a monthly salary of rupees two thousand and five-hundred : Bom. XVI of 1925.

Provided further that if the said person be appointed Deputy Municipal Commissioner (Improvements) under sub-section (1) of section 56A, he shall receive from the commencement of the City of Bombay Municipal (Amendment) Act, 1933, such monthly salary not exceeding rupees two thousand as the corporation shall, from time to time, determine.

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[1] These words were substituted for the original words by Bom. 13 of 1938, s. 26 (1).

[2] Sub-section (3) was deleted, *ibid.* s. 26 (2).

[3] New section 58A was inserted by Bom. 13 of 1933, s. 8.

Provisions for absence of Commissioner or Deputy Commissioner on leave.

59. (*1*) Leave of absence may be granted, from time to time—

(*a*) to the Commissioner, by the [1][Provincial Government], with the assent of the standing committee;

(*b*) to a Deputy Commissioner, by the corporation.

Grant of leave of absence to the Commissioner or Deputy Commissioner.

(*2*) The allowance to be paid to the Commissioner or to a Deputy Commissioner whilst so absent on leave shall be of such amount, not exceeding respectively the amount of the salary of the Commissioner or Deputy Commissioner, as shall be fixed by the [1][Provincial Government] or the corporation, respectively: Provided that if the Commissioner or Deputy Commissioner is a [2][servant of the Crown], the amount of such allowance shall be regulated by the rules at the time in force relating to the leave allowances of officers of his class.

Allowance whilst absent on leave.

(*3*) During any absence of the Commissioner or of a Deputy Commissioner the [1][Provincial Government] or the corporation may appoint a person to act as Commissioner or as Deputy Commissioner, as the case may be. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by this Act or by any other enactment at the time in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable, and shall receive such monthly salary, within the limits prescribed in sections 57, [3][58 and 58A] for a Commissioner and a Deputy Commissioner, as [4][the Provincial Government] or the corporation, respectively, shall determine.

Appointment and remuneration of acting Commissioner or acting Deputy Commissioner.

Disqualifications of the Commissioner and Deputy Commissioner.

60. (*1*) No person shall be qualified to be appointed or to be Commissioner or a Deputy Commissioner who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of the corporation or in any employment with, by or on behalf of the corporation other than as Commissioner or Deputy Commissioner, as the case may be.

Commissioner and Deputy Commissioner not to be interested in any contract, etc., with the corporation.

(*2*) Any Commissioner or Deputy Commissioner who shall acquire directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be Commissioner, or a Deputy Commissioner, as the case may be, and his office shall become vacant.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the corporation as, under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "servant of the Crown" were substituted for the words "Government officer", *ibid.*

[3] The word, figures and letters "58 and 58A" were inserted by Bom. 13 of 1933, s. 9.

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[1][(*D*) *The General Manager.*

Appointment of General Manager.

60A. (*1*) The corporation shall, subject to the approval of the Provincial Government, appoint a fit person to be the General Manager of the Bombay Electric Supply and Transport Undertaking who shall—

(*a*) devote his whole time and attention to the duties of his office :

Provided that the General Manager may be permitted by the corporation to accept any appointment, whether honorary or otherwise, which in the opinion of the corporation would not interfere with his duties as General Manager;

(*b*) receive such monthly salary as the corporation shall from time to time, with the approval of the Provincial Government determine ;

(*c*) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of his office on the votes of not less than one-half of the total number of councillors.

(*2*) The General Manager shall be appointed for a period not exceeding five years in the first instance and his appointment may be renewed from time to time with the approval of the Provincial Government for a period not exceeding five years at a time. Bom. XXXIII of 1947.

(*3*) The General Manager appointed by the corporation with the approval of the Provincial Government under section 11 of the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, shall be deemed to have been appointed under sub-section (*1*) and the period of his appointment shall be deemed to have commenced from the date on which he took up the duties of his office under the City of Bombay Municipal (Electric Supply and Transport) Ordinance, 1947, or the City of Bombay Municipal (Electric Supply and Transport) Act, 1947, as the case may be. Bom. Ordinance II of 1947. Bom. XXXIII of 1947.

Leave of absence to General Manager.

60B. (*1*) Leave of absence may be granted from time to time to the General Manager by the Bombay Electric Supply and Transport Committee with the assent of the corporation.

(*2*) The allowance to be paid to the General Manager whilst so absent on leave shall be of such amount, not exceeding the amount of his salary, as shall be fixed by the corporation.

(*3*) During the absence of the General Manager on leave the committee with the assent of the corporation may appoint a person to act as General Manager. Every person so appointed shall exercise the powers and perform the duties conferred and imposed on the General Manager and shall be subject to the same liabilities, restrictions and conditions to which the General Manager is liable and shall receive such monthly salary, not exceeding the salary of the General Manager, as the corporation shall determine.

Disqualifications of General Manager.

60C. (*1*) No person shall be qualified to be appointed or to be General Manager who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of, the corporation or in any employment with, by or on behalf of the corporation other than as General Manager.

(*2*) Any General Manager who shall acquire, directly or indirectly, by himself or by his partner, any share or interest in any such contract or employment as aforesaid shall cease to be General Manager.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of, the corporation as under clauses (*h*) and (*k*) of sub-section (*2*) of section 16, it is permissible for a councillor to have without his being thereby disqualified for being a councillor, or to any share or other interest in the Bombay Electric Supply and Tramways Company, Limited.]

[1] This heading and sections 60A to 60C were inserted by Bom. 48 of 1948, s. 7.

CHAPTER III.

Duties and Powers of the Municipal Authorities.

Obligatory and Discretionary Duties of the Corporation.

61. It shall be incumbent on the corporation to make adequate provision, by any means or measures which it is lawfully competent to them to use or to take, for each of the following matters, namely :— Matters to be provided for by the corporation.

(*a*) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, urinals and similar conveniences ;

(*b*) the construction and maintenance of works and means for providing a supply of water for public and private purposes ;

(*c*) scavenging and the removal and disposal of excrementitious and other filthy matter, and of all ashes, refuse and rubbish ;

(*d*) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances ;

(*e*) the regulation of places for the disposal of the dead and the provision of new places for the said purpose ;

(*f*) the registration of births and deaths ;

[1][(*ff*) public vaccination in accordance with the provisions of the Bombay Vaccination Act, 1877] ;

(*g*) measures for preventing and checking the spread of dangerous diseases ;

[1][(*gg*) establishing and maintaining public hospitals and dispensaries and carrying out other measures necessary for public medical relief] ;

(*h*) the construction and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses ;

(*j*) the regulation of offensive and dangerous trades ;

(*k*) the entertainment of a fire-brigade and the protection of life and property in the case of fire ;

(*l*) the securing or removal of dangerous buildings and places ;

(*m*) the construction, maintenance, alteration and improvement of public streets, bridges, culverts, causeways and the like ;

(*n*) the lighting, watering and cleansing of public streets ;

(*o*) the removal of obstructions and projections in or upon streets, bridges and other public places ;

(*p*) the naming of streets and the numbering of premises ;

(*q*) maintaining, aiding and suitably accommodating schools for primary education [2][subject always to the grant of building grants by [3][the Provincial Government] in accordance with the Government Grant-in-Aid Code for the time being in force] ;

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[1] Clauses (*ff*) and (*gg*) were inserted by Bom. 3 of 1907, s. 9 (*1*).
[2] These words were added, *ibid.*, s. 9 (*2*).
[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*r*) the maintenance of a municipal office and of all public monuments and other property vesting in the corporation;

[1](*s*) the obligations imposed by the City of Bombay Municipal (Amendment) Act, 1933, upon the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925; Bom. XVI of 1925.

[1](*t*) the improvement of the city.

Corporation to provide a monthly sum to Provincial Government for maintaining certain medical Institutions in Bombay.

[2]**62.** (*1*) The corporation, shall also provide and pay to [3][the Provincial Government] on the first day of every month a sum of thirty-four thousand five hundred and forty-one rupees ten annas and eight pies, and in consideration of such monthly payments [3][the Provincial Government] shall continue to control and maintain the institutions specified in Schedule U.

(*2*) Notwithstanding anything contained in clause (*gg*) of section 61, the corporation shall by such monthly payments be deemed to have made adequate provision for the maintenance of the said institutions and shall not be liable for any further expenditure in connection therewith.]

Fees to be charged by the corporation in public hospitals and dispensaries.

[2][[4]**62A.** In public hospitals and dispensaries established and maintained, and in connection with other measures carried out, under clause (*gg*) of section 61 such fees, if any, may be charged as may be prescribed by the corporation.]

Extent of benefit to corporation by change in policy of Provincial Government in regard to their liability in respect of primary education.

[5][**62B.** If there should be at any time a change in the general policy of [3][the Provincial Government] in regard to their liability in respect of primary education, the corporation shall be entitled to benefit by such change in policy to the same extent as a city municipality.]

Primary schools and schools maintained by grants to be open to officers appointed by Provincial Government for inspection.

[2][[4]**62C.** (*1*) All primary schools vesting wholly or partly in the corporation and all schools wholly or partly maintained by grants payable from the municipal fund shall at all times be open to all officers appointed by [3][the Provincial Government] for the inspection of schools, and all reasonable facilities shall be given to any such officer for visiting any such school for the purpose of inspection or examination.

(*2*) Every recommendation made regarding any such school by any such officer shall be duly considered by the schools' committee and the schools' committee may thereupon take such action as may in their opinion be required and shall, if so requested by the Director of Public Instruction for the Presidency of Bombay in any particular case, inform him of their decision and the action, if any, taken.

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[1] New clauses (*s*) and (*t*) were inserted by Bom. 13 of 1933, s. 10.

[2] Sections 62 to 62D were substituted for s. 62 by Bom. 3 of 1907, s. 10.

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] Sections 62A and 62C came into force on the 1st March 1909, *see B. G. G.*, 1909, Pt. I, p. 229.

[5] This section was substituted for the original section 62B by Bom. 15 of 1920, s. 20.

(*3*) In all matters connected with grants for the aid of primary schools other than municipal schools the schools' committee shall administer aid to schools complying with the necessary conditions in accordance with the provisions of the Government Grant-in-Aid Code, subject to such modifications, if any, as may from time to time be made in the said Code by the corporation with the previous sanction of [1][the Provincial Government].

Corporation to provide a monthly sum for the Prince of Wales Museum of Western India.

[2]**62D.** The corporation shall provide and pay to [1][the Provincial Government] on the first day of every month a sum of two thousand and eighty-three rupees five annas and four pies, for the purposes of the Prince of Wales Museum of Western India.

Corporation to provide for maintenance of lunatics.

[3]**62E.** [4][(*1*)] The corporation shall make payments at such rates per head as [1][the Provincial Government] from time to time by general or special order prescribe, for the maintenance and treatment either in the city or at any asylum, hospital or house, whether within or without the city, which [1][the Provincial Government] declares by notification to be suitable for such purpose, of pauper lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, resident within, or under any enactment for the time being in force removed from, the city :

V of 1898.

Provided that the corporation shall not be liable under this section for the maintenance and treatment of any lunatic in any such asylum, hospital or house as aforesaid, unless such lunatic, previous to his admission thereto, has been resident in the city for at least one year :

[5][Provided also that where an application is made to the High Court under the provisions of section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by the corporation shall be made without an opportunity being given to the corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound, and having the means, to maintain him] :

IV of 1912.

Provided further that the rates prescribed by [1][the Provincial Government] under this section shall not exceed half the total cost of maintenance and treatment incurred per head on account of the lunatics for whose maintenance and treatment the corporation shall be liable under this section.

[6][(*2*) The officer-in-charge of an asylum, hospital or house to which lunatics for whose maintenance and treatment the corporation are liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such persons detained in the asylum, hospital or house and shall furnish a copy thereof to the corporation.]

Matters which may be provided for by the corporation at their discretion.

63. The corporation may, in their discretion, provide from time to time, either wholly or partly, for all or any of the following matters, namely :—

[7]* * * *

[8](*b*) the furtherance of educational objects other than those mentioned in clause (*q*) of section 61 ;

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Sections 62 to 62D were substituted for s. 62 by Bom. 3 of 1907, s. 10.

[3] The New Section 62 E was inserted by Bom. 1 of 1925, s. 16.

[4] This section was renumbered as sub-section (*1*) of that section by Bom. 76 of 1948, s. 4 (*1*).

[5] This proviso was inserted, *ibid.*

[6] This sub-section was inserted, *ibid.*, s. 4 (*2*).

[7] Clause (*a*) of this section was repealed by Bom. 3 of 1907, s. 11.

[8] Clauses (*b*) to (*c*) were substituted for the original clauses by Bom. 12 of 1947, s. 2 (*i*).

(*c*) the establishment, aiding or maintaining libraries, museums, art-galleseri, botanical or zoological collections;

(*d*) the laying out or the maintenance of public parks, gardens or recreation grounds;

(*e*) the planting and care of trees on roadsides and elsewhere;]

(*f*) surveys of buildings or lands;

(*g*) registration of marriages;

[1][(*h*) the taking of a census of the population];

(*j*) preparation and presentation of addresses to persons of distinction;

[2][(*jj*) providing music in public places or places of public resort;

(*jja*) the construction, purchase, organisation, maintenance, extension and management of tramways, trackless trams, or mechanically propelled transport facilities for the conveyance of the public;

(*jjb*) the purchase, maintenance, management and conduct of any undertaking for the supply of electric energy or gas to the public or the subsidising of any such undertaking];

(*jjc*) the acquisition of immovable or moveable property for any of the purposes before mentioned, including payment of the cost of investigations, surveys or examinations in relation thereto, or the construction or adaptation of buildings necessary for such purposes];

(*k*) any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

And, with the previous sanction of [3][the Provincial Government], the corporation may make—

(*l*) such contribution as they think fit towards any public ceremony or entertainment in the city.

Respective Functions of the several Municipal Authorities.

Functions of the several municipal authorities.

64. (*1*) The respective functions of the several municipal authorities and of any committee appointed under section 39, 40, [4]41, [5]49A or 50 shall be such as are specifically prescribed in or under this Act.

Municipal government of the city vests in the corporation.

(*2*) Except as in this Act otherwise expressly provided, the municipal government of the city vests in the corporation.

Special functions of the Commissioner.

(*3*) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the corporation or the standing committee [6][or the Improvements Committee] and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner, who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act;

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[1] Clause (*h*) was substituted for the original clause by Bom. 12 of 1947, s. 2 (*ii*).

[2] Clauses (*jj*), (*jja*), (*jjb*) and (*jjc*) were substituted for clause (*jj*), *ibid.* s. 2 (*iii*).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The word, figures and letter "41 or 49-A" were inserted by Bom. 13 of 1933, 11 (*a*) for the word and figures "or 41".

[5] The figures, letter and word "49A or 50" were substituted for "or 49A" by Bom. 48 of 1948, s. 8.

[6] These words were inserted by Bom. 13 of 1933, s. 11 (*b*).

(*b*) prescribe the duties of, and exercise supervision and control over, the acts and proceedings of all municipal officers and servants, other than the municipal secretary and the municipal officers and servants immediately subordinate to him, and subject to the regulations at the time being in force under section 81 dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(*c*) on the occurrence or the threatened occurrence of any sudden accident or unforeseen event, involving or likely to involve extensive damage to any property of the corporation, or danger to human life, take such immediate action as the emergency shall appear to him to justify or to require, reporting forthwith to the standing committee and to the corporation, when he has done so, the action he has taken and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a current budget grant, within the meaning of that expression as defined in section 130;

[1][(*d*) perform the duties and exercise the powers imposed or conferred upon the General Manager by this Act in his absence or on failure by him to perform or exercise the same.]

[2][(*4*) Subject whenever expressly so directed in this Act to the approval of the corporation or the Bombay Electric Supply and Transport Committee and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of Chapter XVIA of this Act vests in the General Manager who shall also—

(*a*) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act and perform such other duties in connection with the Bombay Electric Supply and Transport Undertaking as may be required of him by the Bombay Electric Supply and Transport Committee;

(*b*) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and servants appointed under Chapter XVIA and, subject to the regulations for the time being in force under section 460V, dispose of all questions relating to the service of the said officers and servants and their pay, privileges and allowances;

(*c*) on the occurrence or threatened occurrence of any sudden accident or unforseen event involving or likely to involve extensive damage to any property of the corporation pertaining to the Bombay Electric Supply and Transport Undertaking or danger to human life arising from or in connection with any part of that undertaking, take such immediate action as the emergency shall appear to him to justify or require, reporting forthwith to the Bombay Electric Supply and Transport Committee, when he has done so, the action he has taken and his reason for taking the same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action, which is not covered by a budget-grant within the meaning of that expression as defined in section 130.]

Corporation may call for extracts from proceedings, etc., from the standing committee, etc.

65. The corporation may at any time call for any extract from any proceedings of the standing committee or of any committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which the standing committee or any such committee or sub-committee is empowered by or under this Act to deal; and every

[1] This clause was added by Bom. 48 of 1948, s. 8.
[2] This sub-section was added, *ibid.*

such requisition shall be complied with by the standing committee or other committee or sub-committee, as the case may be, without unreasonable delay.

Corporation may require the Commissioner to produce documents and furnish returns, reports, etc.

66. (*1*) The corporation may at any time require the Commissioner—

(*a*) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(*b*) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the city [1][except in regard to the Bombay Electric Supply and Transport Undertaking.]

(*c*) to furnish a report by himself or to obtain from any head of a department subordinate to him and furnish, with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal government of the city [1][except in regard to the Bombay Electric Supply and Transport Undertaking.]

(*2*) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition.

(*3*) Provided that if, on such a requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the corporation after he shall have declared as aforesaid. If at such meeting, or any meeting subsequent thereto, the corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the corporation to elect one councillor who with the [2][Mayor] and the chairman of the standing committee (or, if the [2][Mayor] is also chairman of the standing committee, with the [2][Mayor] and one member of their own body elected by the standing committee) shall form a committee who shall engage to keep secret, save as thereinafter provided, the existence and purport of such documents and matters as may be disclosed to them; and to the said committee the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him, and embraced within the requisition; and the said committee having taken cognizance of the information, writings and matters so laid before them shall determine, by a majority in case of difference, whether or not the whole or any part, and which part, if any, of such matters ought to be disclosed to the corporation or kept secret for a defined time, which decision shall be conclusive and shall be reported to the corporation at the next ordinary meeting thereof, where also the Commissioner shall be prepared to produce documents and to make any report or statement requisite to give effect to the decision of the committee when called on to do so by the corporation.

(*4*) The heads of departments subordinate to the Commissioner are the executive engineer, the executive health officer, the assessor and collector and the chief accountant.

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[1] These words were added by Bom. 48 of 1948, s. 9.
[2] The word "Mayor" was substituted for the original words by Bom. 21 of 1931, s. 2 (i).

[1][(5) In their application to matters relating to the Bombay Electric Supply and Transport Undertaking, the provisions of sub-sections (*1*), (*2*) and (*3*) shall have effect as if for the word "Commissioner" the words "General Manager" and for the words "standing committee" the words "Bombay Electric Supply and Transport Committee" had been substituted.]

[2][**66A.** (*1*) Subject to any regulations made in this behalf under section 36, a councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of the city : Right to ask questions.

Provided that—

(*a*) not less than seven clear days' notice in writing specifying the questions has been given to the Municipal Secretary ;

(*b*) no question shall be asked

(*i*) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition ; or

(*ii*) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of His Majesty's possessions ; or

(*iii*) which relates to the character or conduct of any Municipal officer or servant except in his official or public capacity ; or

(*iv*) which is or by implication may be, defamatory of or which makes or implies a charge of a personal character against any person or section of any community ; or

(*v*) which contravenes any regulation made by the corporation in this behalf under section 36.

(*2*) The [3][Mayor] shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (*1*).

(*3*) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (*1*), the [3][Mayor] shall decide the point and his decision shall be final.

(*4*) The Commissioner shall not be bound to answer a question if, in his opinion, it cannot be answered without detriment to the interests of the corporation or if it asks for information which has been communicated to him in confidence.

[4][(*5*) The General Manager shall without unreasonable delay furnish the Commissioner with such information relating to the Bombay Electric Supply and Transport Undertaking as he may require for the purpose of answering any question under this section.]

67. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act, which will involve expenditure, shall, except in any case specified in sub-section (*2*) of section 115 [5][or of section 460DD] be subject to the following provisos, namely— Exercise of powers to be subject to sanction by corporation of the necessary expenditure.

(*a*) that such expenditure, so far as it is to be incurred in the official year in which such power is exercised or duty performed, shall be provided for under a current budget grant, within the meaning of that expression as defined in section 130 ; and

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[1] This sub-section was added by Bom. 48 of 1948, s. 9.
[2] New section 66A was inserted by Bom. 23 of 1930, s. 3.
[3] The word "Mayor" was substituted for the original words by Bom. 21 of 1931, s. 2 (*1*).
[4] This sub-section was added by Bom. 48 of 1948, s. 10.
[5] The words, figures and letter "or of section 460DD" were inserted, *ibid.*, s. 11.

(*b*) that, if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said official year, liability for such expenditure shall not be incurred without the sanction of the corporation.

Municipal officers may be empowered to exercise certain of the powers, etc., of the Commissioner.

68. (*1*) Any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by any of the sections, sub-sections or clauses mentioned in sub-section (*2*) may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Commissioner generally or specially empowers in writing in this behalf; and in each of the said sections, sub-sections and clauses the word "Commissioner" shall, to the extent to which any municipal officer is so empowered, be deemed to include such officer.

[1](*2*) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

[2][Section 19.]
[3][,, 80A.]
,, 83.
,, 84.
,, 85, sub-section (*1*).
,, 92.]
,, 112.
,, 113, sub-section (*3*).
,, 142, sub-section (*2*).
,, 149.
,, 152, sub-section (*1*).
,, 153, sub-section (*1*).
,, 155, sub-sections (*1*) and (*3*).
,, 160.
,, 162.
,, 163, sub-section (*1*).
,, 164.
,, 165, sub-sections (*1*) and (*2*).
,, 174.
,, 175.
,, 176.
,, 177.
,, 187.
,, 188.
,, 189.
,, 191A, sub-sections (*3*) and (*5*).
,, 191B, sub-sections (*1*), (*3*), (*4*) and (*5*).]
,, 200.
,, 201, sub-section (*2*).
,, 202, sub-section (*1*).
,, 209, sub-section (*1*).
,, 210, sub-section (*1*).

[1] Sub-section (*2*) was substituted for the original sub-section by Bom. 5 of 1905, s. 6.
[2] This entry was inserted by Bom. 13 of 1938, s. 27.
[3] The entry "section 80A" was substituted for the original entry "section 82" by Bom. 10 of 1928, s. 7 (*i*).
[4] New entry "section 92" was inserted, *ibid.*, s. 7(*ii*).
[5] These entries were inserted by Bom. 2 of 1943, s. 2, read with Bom. 8 of 1948, s. 2.

Section [1]* * *
,, 222, sub-sections (*1*) and (*2*).
,, 228.
,, 229.
,, 232-A.
,, 234.
,, 240.
,, 243, sub-section (*2*).
,, 244.
,, 246-A.
,, 247.
,, 248.
,, 249.
,, 249A.
,, 250, sub-section (*2*).
,, 251.
,, 251B.
,, 252.
,, 253.
,, 254.
,, 255.
,, 257.
,, 258, clauses (*a*), (*b*) and (*c*).
,, 259.
,, 259A.
,, 263, sub-section (*1*).
,, 265.
,, 266.
,, 272.
,, 273.
,, 273A.
,, 276.
,, 278.
,, 279, sub-section (*1*).
,, 287.
,, 298, sub-sections (*1*) and (*2*).
,, 300, sub-section (*1*).
,, 311.
,, 313
,, 313A.]
,, 314.
,, 317.
,, 319.
,, 321, sub-section (*2*).
,, 322.
,, 324.
,, 325.

[1] The entry "section 214, sub-sections (*2*) and (*3*)" deleted by Bom. 7 of 1921, s. 2 (*b*) is omitted. The repeal had effect from 1st April 1920.
[2] The entries "Section 313, section 313A" were inserted by Bom. 19 of 1930, s. 5 (*a*).

Section 326, sub-sections (*2*) and (*3*).
[1][,, 328.
,, 328-A.]
,, 329.
,, 333, sub-section (*4*).
,, 334, sub-section (*1*).
,, 337, sub-section (*1*).
,, 338.
,, 339.
,, 340.
,, 342.
,, 343.
,, 344-A.
,, 345.
,, 346, sub-section (*1*).
,, 347, clause (*a*).
[2][,, 347B.
,, 347C.]
,, 348, clauses (*a*), (*b*) and (*c*).
,, 349.
,, 349-A.
,, 350.
,, 353.
,, 353-A.
,, 354.
,, 354-A.
,, 355.
,, 368.
,, 374.
,, 375.
[3][,, 375-A.]
[4][,, 376.]
,, 377.
[5][,, 377-A.]
,, 379.
,, 379-A
,, 380.
[6][,, 381.]
[6][,, 381-A, sub-sections (*1*) and (*2*).]
,, 383.
,, 384, clause (*a*).
[3][,, 384-A.]
[7][,, 390.]
,, 394.
,, 396, sub-section (*1*).

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[1] The entries "Section 328, section 328-A" were inserted by Bom. 7 of 1921, s. 2 (*b*).
[2] These entries were inserted by Bom. 76 of 1948, s. 5.
[3] This entry was inserted by Bom 1 of 1916, s. 3.
[4] This entry was inserted by Bom. 19 of 1930, s. 5 (*b*).
[5] This entry was inserted, *ibid*, s. 5(*c*).
[6] This entry was inserted by Bom. 6 of 1913, s. 1.
[7] This entry was inserted by Bom. 19 of 1930, s. 5 (*d*).

Section 403, clause (*e*).
[1][,, 407-A.]
,, 409.
,, 410, sub-section (*1*).
,, 412, sub-sections (*1*) and (*2*).
[2][,, 412-A.]
,, 413, sub-section (*1*).
,, 415
,, 416.
,, 422.
,, 424, sub-section (*1*).
,, 425, sub-section (*1*).
[3][,, 426-A.]
,, 427, sub-section (*3*).
,, 455.
,, 479, sub-section (*5*).
,, 488.
,, 489.
,, 492, clause (*a*).
,, 517, clause (*a*).

Powers, etc., conferred on the Commissioner by the Bombay Vaccination Act, may be exercised by any municipal officer empowered in writing by the Commissioner.

Bom. I of. 1877.

[4][**68A.** Any of the powers, duties and functions conferred or imposed upon or vested in the Commissioner by the Bombay Vaccination Act, 1877, may be exercised, performed or discharged, under the Commissioner's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the Commissioner generally or specially empowers in writing in this behalf; and in the said Act the word "Commissioner" shall, to the extent to which any municipal officer is so empowered, be deemed to include such officer.]

Delegation of powers etc., of General Manager.

[5][**68B.** (*1*) Any of the powers, duties or functions conferred or imposed upon or vested in the General Manager by any of the sections, sub-sections or clauses mentioned in sub-section (*2*) and, with the previous sanction of the Bombay Electric Supply and Transport Committee, any other powers, duties or functions conferred or imposed upon or vested in the General Manager by any other section, sub-section or clause of this Act may be exercised, performed or discharged under the General Manager's control and subject to his revision and to such conditions and limitations, if any, as he shall think fit to prescribe, by any municipal officer whom the General Manager generally or specially empowers in writing in this behalf; and in each of the said sections, sub-sections and clauses the words 'General Manager' shall, to the extent to which any municipal officer is so empowered, be deemed to include such officer.

(*2*) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

Section 460A, sub-section (*2*), clauses (*c*), (*d*), (*e*) and (*f*).
Section 460B.
Section 460C.

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[1] This entry was inserted by Bom. 19 of 1930, s. 5 (*b*)
[2] This entry was inserted by Bom. 6 of 1922, s. 23.
[3] This entry was inserted by Bom. 76 of 1948, s. 5.
[4] Section 68-A was inserted by Bom. 3 of 1907, s. 12.
[5] This section was inserted by Bom. 48 of 1948, s. 12.

Section 460D.
Section 460G.
Section 460Q.
Section 460U.
Section 460W.
Section 460X.
Section 460Y.
Section 460AA.
Section 460BB, sub-section (*3*).
Section 488.
Section 492.
Section 517, sub-section (*1*), clause (*a*), read with sub-section (*3*).]

Contracts.

Power to the Commissioner to execute contracts on behalf of the corporation.

69. With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely :—

(*a*) every such contract shall be made on behalf of the corporation by the Commissioner ;

(*b*) no such contract, for any purpose which in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

(*c*) no contract, other than [1][a contract relating to the acquisition of immovable property or any interest therein, or any right thereto], which will involve an expenditure exceeding five thousand rupees, shall be made by the Commissioner unless the same is previously approved by the standing committee ;

(*d*) every contract [2][other than a contract for the acquisition of immovable property, or any interest therein or any right thereto] made by the Commissioner involving an expenditure exceeding five hundred and not exceeding five thousand rupees shall be reported by him, within fifteen days after the same has been made, to the standing committee ;

(*e*) the foregoing provisions of this section [3][shall, as far as may be, apply] to every contract which the Commissioner shall have occasion to make in the execution of this Act ; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

Mode of executing contracts.

70. (*1*) Every contract entered into by the Commissioner on behalf of the corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged : Provided that—

(*a*) where any such contract, if entered into by the Commissioner, would require to be under seal, the same shall be sealed with the common seal of the corporation ; and

[1] These words were substituted by Bom. 13 of 1933, s. 12 (*a*), for the original words "an agreement for the acquisition of immovable property."
[2] These wrods were inserted by Bom. 13 of 1933, s. 12(*b*).
[3] These words were substituted for the original words, *ibid.*, s. 12(*c*).

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the corporation [1][in the manner prescribed in sub-section (*2*)] and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods, and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

[2][(*1A*) Notwithstanding anything contained in proviso (*b*) to sub-section (*1*) it shall be lawful for the Commissioner in the case of contracts relating to the execution of any work or the supply of any materials or goods to dispense, by an order in writing ,with the execution of a written instrument, if such work has already been performed or the materials or goods have already been supplied to his satisfaction.]

[3][(*2*) The common seal of the corporation which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of two members of the standing committee to every contract or other instrument [4][(other than contract relating to the acquisition of immovable property or interest therein or a right thereto), required to be under seal] and such contract or instrument shall be signed by the said two members of the standing committee in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.]

Contract not binding on the corporation unless executed as prescribed in section 70.

71. No contract [5][of the nature specified in sub-section (*2*) of the last preceding section] not executed as in the [6][said] section provided shall be binding on the corporation.

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

72. (*1*) Except as is hereinafter otherwise provided, the Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(*2*) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (*c*) of section 69, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous :

(*3*) Provided that the standing committee may authorize the Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

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[1] These words, figures and brackets were inserted by Bom. 10 of 1935, s. 2 (*1*).
[2] Sub-section (*1A*) was inserted by Bom. 12 of 1936, s. 4.
[3] Sub-section (*2*) was substituted for the original sub-section by Bom. 13 of 1933, s. 13.
[4] These words and brackets were substituted for the words "other than a contract relating to the acquisition of immovable propery or interest therein , or a right thereto " by Bom. 10 of 1935, s. 2 (*2*).
[5] These words were inserted by Bom. 13 of 1933, s. 14 (*i*).
[6] The word "said " was substituted for the words "last proceeding ", *ibid.*, s. 14 (*ii*).

ecurity hen to be aken for erformance f contract.

73. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

aving of ontracts nder hapter XVIA.

[1][**73** (*1A*) Nothing in sections 69 to 73, both inclusive, shall apply to contracts made under Chapter XVIA of this Act.]

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS.

[2][*Special Engineer, City Engineer, Executive Health Officer and Hydraulic Engineer.*]

ppointment f Special ngineer.

[3][**73A.** (*1*) The corporation may as soon as conveniently may be after the coming into operation of the City of Bombay Municipal (Amendment) Act, 1947, appoint a Special Engineer to execute powers and perform duties in connection with all schemes for post-war reconstruction and general development of the City, including schemes for water supply and slum clearance. A person appointed as Special Engineer shall hold the post for a period of five years. The Special Engineer shall also exercise and perform such powers, duties and functions under this Act as the Commissioner may from time to time direct. Bom. IV of 1947.

(*2*) The Special Engineer shall receive such monthly salary and allowances as the corporation shall from time to time determine.

(*3*) The Special Engineer shall devote his whole time and attention to the duties of his office.

(*4*) The provisions of section 80B shall not apply to the appointment of the Special Engineer.

(*5*) The appointment of the Special Engineer shall be subject to confirmation by the Provincial Government.

(*6*) During the continuance of the appointment of the Special Engineer—

(*i*) the operation of provisions of sections 74 and 75 in so far as they relate to the appointment of the City Engineer shall remain suspended; and

(*ii*) any reference in this Act (other than this section and sections 74 and 75) to the 'City Engineer' shall be deemed to be a reference to the 'Special Engineer'.]

ppointment of city ngineer,] xecutive ealth officer nd hydraulic engineer.

74. (*1*) The corporation shall appoint fit persons to be municipal [4][city engineer], [5]* municipal executive health officer, [6][and municipal hydraulic engineer].

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[1] This section was inserted by Bom. 48 of 1948, s. 13.

[2] This heading was substituted for the heading "City Engineer and Executive Health Officer" by Bom. 4 of 1947, s. 3.

[3] Section 73A was inserted, *ibid.*, s. 4.

[4] The words "City Engineer" were substituted for the original words "Executive Engineer" by Bom. 19 of 1930, s. 6.

[5] The word "and" was omitted by Bom. 2 of 1911, s. 2 (*a*).

[6] These words were added, *ibid.*, s. 2 (*a*).

(2) Each of the said officers shall—

(a) be appointed for a renewable term of five years :

[1][Provided that if any of such officers is a municipal officer and due to retire under the regulations made and applicable to him under section 81 on a date earlier than the expiry of the period of five years from the date of his appointment or re-appointment, he may be appointed or re-appointed for a period of five years or a lesser period.]

(b) devote his whole time and attention to the duties of his office ;

[2][(c) receive such monthly salary as the corporation shall, subject to the following limitations, from time to time determine, that is to say, the monthly salary of the Municipal City Engineer shall not exceed Rs. 2,000 and shall not be less than Rs. 1,200, the monthly salary of the Municipal Executive Health Officer shall not exceed Rs. 1,500 and shall not be less than Rs. 1,200, and the monthly salary of the Municipal Hydraulic Engineer shall not exceed Rs. 1,500 and shall not be less than Rs. 1,200 :]

[3]* * * * *

(d) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office, on the votes of not less than two-thirds of the members present at a meeting of the corporation :

(3) Provided that—

(e) no person shall be appointed to be executive health officer who is not a legally qualified medical practitioner ;

[4][(ee) the executive health officer may accept for such period as may be sanctioned by the corporation any appointment, whether honorary or otherwise, which has for its object the promotion of public health, whether by means of education or otherwise, and which in the opinion of the corporation would not interfere with his duties as executive health officer ;]

(f) the corporation may, in their discretion, appoint a person probationally, for a limited period only, to [5][any] of the said offices, previous to appointing him for the full term of five years ;

(g) every appointment made under this section shall be subject to confirmation by the [6][Provincial Government].

Time within which vacancy in office of [7][city engineer] or executive health officer or hydraulic engineer must be filled up.

75. (1) On the occurrence of a vacancy in the office of [7][city engineer] or of executive health officer [8][or of hydraulic engineer] an appointment shall be made thereto by the corporation within four months from the date on which the vacancy occurred, or in the event of any appointment so made by them not being confirmed by [9][the Provincial Government] within thirty days from the date of the receipt by the corporation of the order of [9][the Provincial Government].

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[1] This proviso was added by Bom. 76 of 1948, s. 6.

[2] This clause was substituted for the original by Bom. 13 of 1938, s. 28, *vide* footnote with asterisk on p. 365 *supra*.

[3] Bom. 6 of 1943 by which the proviso was added to clause (c) of sub-section (2) of section 74 lapsed. The proviso, therefore, ceased to be in force with effect from 3rd April 1948 and has been deleted.

[4] This clause was inserted by Bom. 6 of 1916, s. 3 (3).

[5] The word "any" was substituted for the word "either" by Bom. 2 of 1911, s. 2 (c).

[6] The words "Provincial Government" were substitutedf or the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[7] The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

[8] These words were inserted by Bom. 2 of 1911, s. 3.

[9] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*2*) In default of an appointment being made by the corporation as aforesaid, the [1][Provincial Government] may appoint a person to fill the vacancy, and such appointment shall for all purposes be deemed to have been made by the corporation.

(*3*) Pending the settlement of an appointment under sub-section (*1*) or (*2*) the corporation may appoint a person to fill the vacancy temporarily and may direct that the person so appointed shall receive such monthly salary not exceeding [2][the maximum permissible under clause (*c*) of sub-section (*2*) of section 74, in respect of the officer in whose place such person is appointed] as it shall think fit. A person so appointed to be temporary executive health officer need not be a legally qualified medical practitioner.

Executive health officer to be the consulting officer of health under Bombay Act VI of 1867.

76. The executive health officer appointed under this Act shall be the consulting officer of health for the purposes of Bombay Act VI of 1867 (*an Act for the better sanitary regulation of the City of Bombay*).

[3][*Officers of the Schools' Committee.*]

Corporation o appoint secretary to the schools' committee and determine his salary.

[3][**76A.** (*1*) The corporation shall from time to time appoint a fit person to be secretary to the schools' committee and from time to time determine his salary.

(*2*) The schools' committee shall from time to time appoint such clerks and messengers as it may be authorized by the corporation to employ and from time to time determine their salaries.]

[3][*Appointments of medical officers in connection with measures of public medical relief.*]

Corporation to appoint qualified medical practitioners in charge of hospitals maintained by the corporation.

[3][**76B.** The corporation shall from time to time appoint such legally qualified medical practitioners as may be necessary to the charge of any hospital maintained by the corporation in connection with measures of public medical relief carried out under clause (*gg*) of section 61 and determine their salaries.]

Municipal Secretary.

Appointment of municipal secretary.

77. (*1*) The [4][corporation] shall from time to time appoint a fit person to be municipal secretary.

(*2*) The municipal secretary shall be secretary of the corporation and also of the standing committee [5][and the improvements committee], and shall—

(*a*) perform such duties as he is directed by this Act to perform and such other duties in and with regard to the corporation and the standing committee [5][and the improvements committee] as shall be required of him by those bodies respectively;

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[1] The words "the Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the original words by Bom. 2 of 1900, s. 1.

[3] The heading and sections 76A and 76B were inserted by Bom. 3 of 1907, s. 13 (*1*).

[4] The word "corporation" was substituted for the original words "standing committee" by Bom. 3 of 1922, s. 24 (*a*).

[5] The words "and the improvements committee" were inserted by Bom 13 of 1933, s. 15 (*i*).

(*b*) have the custody of all papers and documents connected with the proceedings of—

(*i*) the corporation and any committee appointed by the corporation [1][under section 38 or 38A.]

(*ii*) the standing committee and any sub-committee thereof;

[2][(*iii*) the improvements committee and any sub-committee thereof;]

(*c*) devote his whole time and attention to the duties of his office;

(*d*) receive a monthly salary of rupees seven hundred which, with the previous sanction of the corporation, may be increased to a sum not exceeding rupees one thousand, [3][and, after approved service of not less than seven years, to a sum not exceeding rupees twelve hundred];

(*e*) be removable at any time from office for misconduct or for neglect of, or incapacity for, the duties of the office by the [4]* * * corporation.

Appointment of clerks and servants subordinate to the municipal secretary.

78. (*1*) The standing committee may from time to time—

(*a*) appoint such clerks and servants to be immediately subordinate to the municipal secretary as they think fit;

(*b*) determine the nature and amount of the salaries, fees and allowances to be paid to the said servants and clerks respectively;

(*c*) prescribe or delegate to the municipal secretary the power of prescribing the duties of the said clerks and servants.

Control, etc., of the said clerks and servants.

(*2*) The municipal secretary, subject to the orders of the standing committee, shall exercise supervision and control over the acts and proceedings of the said clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said clerks and servants and their pay, privileges and allowances.

[5][*Municipal Chief Auditor.*]

Appointment of municipal chief auditor.

78A. (*1*) The corporation shall from time to time appoint a fit person to be municipal chief auditor, who shall—

[6][(*a*) perform such duties as he is directed by this Act to perform and such other duties with regard to the audit of the accounts of the municipal fund as shall be required of him by the corporation or by the standing committee and with regard to the audit of the accounts of the Bombay Electric Supply and Transport Fund as shall be required of him by the corporation or by the Bombay Electric Supply and Transport Committee;]

(*b*) devote his whole time and attention to the duties of his office;

(*c*) receive such monthly salary not exceeding [7][rupees fifteen hundred and not less than rupees twelve hundred] as the Corporation shall from time to time determine;

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[1] These words, figures and letter were added by Bom. 48 of 1948, s. 14.
[2] New sub-clause (*iii*) was inserted by Bom. 13 of 1933, s. 15 (*ii*).
[3] These words were added by Bom. 5 of 1905, s. 7.
[4] The words repealed by Bom. 6 of 1922, s. 24(*b*), are omitted.
[5] The heading and these sections were inserted by Bom. 2 of 1938, s. 3.
[6] This clause was substituted for the original by Bom. 48 of 1948, s. 15.
[7] The words "rupees fifteen hundred and not less than rupees twelve hundred" were substituted or the words "rupees one thousand" by Bom. 12 of 1945, s. 2, read with Bom. 8 of 1948, s. 2.

(*d*) be removable at any time from office for misconduct or for neglect of, or incapacity for the duties of his office on the votes of not less than two-thirds of the members present at a meeting of the corporation.

(*2*) The municipal chief auditor shall not be eligible for further office under the corporation after he has ceased to hold his office.

Appointment, salaries, fees, allowances and duties of assistant auditors, clerks and servants subordinate to the municipal chief auditor.

78B. (*1*) The standing committee may from time to time—

(*a*) appoint such assistant auditors, clerks and servants to be immediately subordinate to the municipal chief auditor as they think fit;

(*b*) determine the nature and amount of the salaries, fees and allowances to be paid to the said assistant auditors, clerks and servants respectively;

(*c*) prescribe or delegate to the municipal chief auditor the power of prescribing the duties of the said assistant auditors, clerks and servants.

Control, etc., of the said assistant auditors, clerks and servants.

(*2*) Subject to the orders of the standing committee, the municipal chief auditor shall exercise supervision and control over the acts and proceedings of the said assistant auditors, clerks and servants, and the standing committee, subject to the regulations at the time being in force under section 81, shall dispose of all questions relating to the service of the said assistant auditors, clerks and servants and their pay, privileges and allowances.]

Other Officers and Servants.

Schedule of other officers and servants to be prepared by the Commissioner and sanctioned by the standing committee.

79. (*1*) The Commissioner shall, [1]* * * from time to time, prepare and bring before the standing committee a schedule setting forth the designations and grades of the other officers and servants who should, in his opinion, be maintained, and the amount and nature of the salaries, fees and allowances which, he proposes, should be paid to each.

(*2*) The standing committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient: Provided that no new office of which the aggregate emoluments exceed rupees two hundred per month shall be created without the sanction of the corporation.

[2](*3*) Nothing in this section shall be construed as affecting the right of the corporation or of the Commissioner to make any temporary appointment which they or he are empowered to make under section 80A.]

Restriction of employment of permanent officers and servants.

80. No permanent officer or servant shall be entertained in any department of the municipal administration unless he has been appointed under sections [3][39], [4][60A], [5][73A], 74, [6][76A and 76B], 77, [7][78, 78A or 78B] or his office and emoluments are included in the schedule at the time in force prepared and sanctioned under the last preceding section.

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[1] Words repealed by Act 16 of 1895 are omitted.
[2] This sub-section was added by Bom. 76 of 1948, s. 7.
[3] The figures "39" were added by Bom. 6 of 1922 s. 25.
[4] The figures and letter "60A" were inserted by Bom. 48 of 1948, s. 16.
[5] The figures and letter "73A" were inserted by Bom. 4 of 1947, s. 5.
[6] These figures, word and letters were inserted by Bom. 3 of 1907, s. 13 (*1*).
[7] These figures, word and letters were substituted for "or 78" by Bom. 2 of 1938, s. 4.

*[1][**80A.** (*1*) The power of appointing municipal officers, whether temporary or permanent, whose minimum monthly salary exclusive of allowances is or exceeds Rs. 500 ,shall vest in the corporation : Power of appointment in whom to vest.

[2][Provided that temporary appointments for loan works carrying a monthly salary of rupees five hundred or more exclusive of allowances may be made for a period of not more than six months by the Commissioner with the previous sanction of the standing committee ; the Commissioner shall forthwith report every such appointment when made to the corporation. No such appointment shall be renewed on the expiry of the said period of six months without the previous sanction of the corporation].

(*2*) Save as otherwise provided in this Act, the power of appointing municipal officers and servants [3][whether temporary or permanent, shall] vest in the Commissioner :]

[4][Provided that such power in respect of permanent appointments shall be subject to the schedule for the time being in force prepared and sanctioned under section 79 :

Provided further that no temporary appointment shall be made by the Commissioner for any period exceeding six months and no such appointment carrying a monthly salary of more than two hundred rupees exclusive of allowances shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of the standing committee.]

[5][**80B.** (*1*) Save in the case of acting appointments made under section 85 [6][and in the case of temporary appointments made under section 85A] no person shall be appointed to any of the posts the power of appointment to which vests in the corporation unless he possesses the qualifications specified in the rules made in this behalf under sub-section (*3*). Manner of making appointments.

(*2*) Before making an appointment to any post referred to in sub-section (*1*), the vacancy shall be advertised in at least one local newspaper calling for applications for such post ; the applications received shall be scrutinised by the Commissioner, who shall then, out of the persons who may have applied, submit to the corporation through a committee if so required by the corporation a list of persons who in his opinion are qualified for the post :

Provided that if the corporation is of the opinion that any officer in its service, who possesses the qualifications specified in the rules made under sub-section (*3*) for the post, is a fit person to be appointed to the post, it may direct that the vacancy shall not be advertised and may appoint such officer to the post.

(*3*) Subject to the provisions of this Act, the corporation shall, with the previous sanction of the Provincial Government, make rules for the purposes of this section. The Provincial Government may, when sanctioning such rules, make such modifications or additions as it deems fit].

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[1] Section 80A was added by Bom. 6 of 1922, s. 26.

[2] This proviso was substituted for the original one by Bom. 19 of 1930, s. 8.

[3] These words were substituted for the original by Bom. 76 of 1948, s. 8.

[4] These provisos were added, *ibid.*

[5] This section was inserted by Bom. 13 of 1938, s. 29 *vide* foot-note with asterisk on p. 365 *supra*.

[6] These words, figures and letter were inserted by Bom. 19 of 1939, s. 2.

* Section 6 of Bom. 4 of 1947, runs as follows :—

6. *Validation of acts of Special Engineer appointed under section 80A.*—All the powers, duties and functions of the City Engineer exercised and performed by the Special Engineer appointed under section 80A of the said Act during the period from 26th September 1946 to the date on which the City of Bombay Municipal Amendment) Act, 1947, (Bom. IV of 1947) comes into operation shall be deemed to be and always be deemed to have been validly exercised and performed ; and no acts done by the said Special Engineer shall after the coming into operation of this Act be deemed to be invalid or called in question on the ground only that the said powers and duties in the purported exercise of which the said acts were done were not at the time when the said acts were done lawfully vested in him, and the said Special Engineer is now hereby indemnified and discharged from liability in respect of such acts.

Leave of Absence, Acting Appointments, etc.

Standing committee to frame regulations for grant of leave, etc.

81. (*1*) The standing committee shall from time to time frame regulations in consonance with any resolution that may be passed by the corporation—

(*a*) fixing the amount and the nature of the security to be furnished by any municipal officer or servant from whom it may be deemed expedient to require security ;

(*b*) regulating the grant of leave to municipal officers and servants ;

(*c*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave ;

(*d*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave ;

[1][(*dd*) authorizing the payment of travelling or conveyance allowance to the said officers and servants ;]

(*e*) regulating the period of service of all the said officers and servants ;

(*f*) determining the conditions under which the said officers and servants, or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the [2][the surviving spouse or children and in the absence of the surviving spouse or children the parents, brothers and sisters, if any,] dependent on any of the said officers and servants, shall, after their death, receive compassionate allowances and the amounts of such pensions, gratuities or compassionate allowances ;

(*g*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the standing committee, be established by the said officers and servants [3][or to such provident fund, if any, as may be established by the corporation for the benefit of the said officers and servants] ;

[4][(*h*) in general, prescribing any other conditions of service of the said officers and servants.]

Such regulations to be subject to confirmation by the corporation, and, if made under clause (*f*), by Provincial Government.

(*2*) No regulation made by the standing committee under this section shall have force or validity, unless and until it has been confirmed by the corporation, nor, if it is made under clause (*f*), unless and until it has been confirmed by [5][the Provincial Government].

82. [6][*Power of appointment in whom to vest.*] *Repealed by Bom. VI of 1922.*

Power of suspending, punishing and dismissing in whom to vest.

83. (*1*) Every municipal officer and servant may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed :

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[1] This clause was inserted by Bom. 12 of 1936, s. 5 (*1*).

[2] These words were substituted for the original by Bom. 76 of 1948, s. 9.

[3] These words were added by Bom. 6 of 1922, s 27 (*1*), and the addition shall be deemed to have been made and to have had effect from such date as may be fixed by the corporation.

[4] This clause was inserted by Bom. 12 of 1936, s. 5 (*2*).

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] Section 82 repealed by Bom. VI of 1922, s. 28, is omitted, and the repeal shall be deemed to have been made and to have had effect from such date as may be fixed by the corporation.

(2) Provided that—

(a) no officer whose monthly emoluments exceed rupees three hundred shall be dismissed by the Commissioner, without the [1][previous] approval of the standing committee ;

(b) any officer appointed by the corporation [2][under section 55, [3][56A], 74, 75, 76A, 76B, [4][77 or 78A] may be suspended by the standing committee pending an order of the corporation, such suspension and the reason therefor being forthwith reported to the corporation ;

[5][(c) any officer appointed by the corporation otherwise than under section 55, [3][56A], 74, 75, 76A, 76B, [4][77 or 78A] may be fined, reduced, or suspended, or with the [1][previous] approval of the standing committee, dismissed, for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct by the Commissioner.

[6][(d) any officer or servant immediately subordinate to the municipal chief auditor and drawing a salary not exceeding rupees two hundred and fifty per month exclusive of allowances may, subject to such conditions and limitations, if any, as the standing committee may deem fit to prescribe, and subject to a right of appeal to the standing committee, be fined, reduced or suspended for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct by the municipal chief auditor.]

Leave of absence by whom to be granted.

84. (1) Leave of absence may be granted by the Commissioner, subject to the regulations at the time being in force under section 81, to any municipal officer or servant, the power of appointing whom is vested in him ; and for a period not exceeding one month, to any other municipal officer, other than an officer immediately subordinate to the municipal secretary [7][or the municipal chief auditor] [8][and other than an officer or servant the power of appointing whom is vested in the schools' committee].

(2) Leave of absence may be granted, subject as aforesaid, by the standing committee—

(a) to any clerk or servant appointed under section 78 ; [9][or to any assistant auditor, clerk or servant appointed under section 78B :]

[10][Provided that leave of absence for a period not exceeding three months may be granted to a clerk or servant whose salary, exclusive of allowances, does not exceed rupees two hundred per month—

(i) by the municipal secretary where such clerk or servant has been appointed under section 78 ; or

(ii) by the municipal chief auditor where such clerk or servant has been appointed under section 78B.]

(b) for a period exceeding one month, to any other municipal officer, the power of appointing whom is not vested in the Commissioner [11][or in the schools' committee].

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[1] The word "previous" was inserted by Bom. 19 of 1930, s. 9.
[2] These words, figures and letters were added by Bom. 6 of 1922, s. 29.
[3] The figures and letter "56A" were inserted by Bom. 13 of 1933, s. 16.
[4] The figures, word and letter "77 or 78A" were substituted for "or 77" by Bom. 2 of 1938, s. 5.
[5] Clause (c) was added by Bom. 6 of 1922, s. 29.
[6] This clause was added by Bom. 76 of 1948, s. 10.
[7] These words were inserted by Bom. 2 of 1938, s. 6 (1).
[8] These words were inserted by Bom. 6 of 1916, s. 4 (a).
[9] These words, figures and letter were inserted by Bom. 2 of 1938, s. 6 (2).
[10] This proviso was added by Bom. 76 of 1948, s. 11.
[11] These words were inserted by Bom. 6 of 1916, s. 4 (b).

[1][(3) Leave of absence may be granted, subject as aforesaid, by the schools' committee to any municipal officer or servant the power of appointing whom is vested in the said committee :]

[2][Provided that leave as aforesaid for a period not exceeding three months may be granted by the secretary of the said committee.]

Saving in respect of officers and servants appointed under chapter XVIA.

[3][**84A.** Nothing in sections 79, 80, 80A, 80B, 81, 83 and 84 shall apply to officers and servants appointed under the provisions of Chapter XVIA of this Act.]

Acting appointments.

85. (*1*) The appointment of a person to act in the place of an officer absent on leave may be made, when necessary, and subject to the regulations aforesaid, by the same authority who grants the leave of absence.

(*2*) Provided that—

(*a*) when the [4][city engineer] or the executive health officer [5][or the hydraulic engineer] is granted leave of absence for a period exceeding one month, the appointment of a person to act for him shall be made by the corporation ;

(*b*) any appointment of a person to act as [4][city engineer] or as executive health officer [6][or as hydraulic engineer] may be disallowed by the [7][Provincial Government], and from the time of being so disallowed shall be null and void ;

(*c*) no person shall be appointed to act for the executive health officer for a period exceeding three months, unless such person is a legally qualified medical practitioner, but a person appointed to act for the said officer for a period not exceeding three months need not be a legally qualified medical practitioner.

(*3*) A person appointed under this section to act for any officer or servant shall, while so acting, perform the same duties and exercise the same powers and be subject to the same liabilities, restrictions and conditions which the permanent incumbent of the office or place is bound to perform or may exercise or to which the said incumbent is liable.

Temporary appointments.

[8][**85A.** Notwithstanding anything contained in the foregoing provisions, when a vacancy occurs in any of the posts referred to in sub-section (*1*) of section 80B, the corporation may, pending the appointment of a person in accordance with the provisions of sub-section (*2*) of the said section appoint any person to fill such vacancy on a monthly salary not exceeding the maximum salary of the post :

Provided that no appointment under this section shall extend beyond, or be made after a lapse of, six months from the date on which the vacancy occurs].

Disqualifications of Municipal Officers and Servants.

Municipal officer or servant not to be interested in any contract etc., with the corporation.

86. (*1*) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by, or on behalf of the corporation, or in any employment with, by, or on behalf of the corporation, other than as a municipal officer or servant, shall be disqualified for being a municipal officer or servant.

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[1] This sub-section was added, by Bom. 6 of 1916, s. 4 (*c*).

[2] This proviso was added by Bom. 32 of 1935, s. 5.

[3] This section was inserted by Bom. 48 of 1948, s. 17.

[4] The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

[5] These words were inserted by Bom. 2 of 1911, s. 4 (*a*).

[6] These words were inserted, *ibid.*, s. 4 (*b*).

[7] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[8] This section was inserted by Bom. 19 of 1939, s. 3.

(2) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid shall cease to be a municipal officer or servant and his office shall become vacant.

(3) Nothing in this section shall apply to any such share or interest in any contract or employment with, by, or on behalf of the corporation as under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have, without his being thereby disqualified for being a councillor.

CHAPTER V.

MUNICIPAL PROPERTY AND LIABILITIES.

Acquisition of Property.

Powers of corporation as to acquisition of property.

87. The corporation shall, for the purpose of this Act, have power to acquire and hold moveable and immovable property, whether within or without the limits of the city.

Transfer to the corporation of the property of the municipal corporation.

88. All such immovable and other property as is held by, or in trust for, or has been granted by [1][the Crown] to the corporation under, or in pursuance or for the purposes of any Act hereby repealed, shall, upon and after the date when this Act comes into force, vest in the corporation in trust for the purposes of this Act, but subject to all charges and liabilities affecting the same.

Conditions affecting the vesting of the Vehar water-works in the corporation.

89. (*1*) On the expiry of the term of ninety-nine years, commencing on the first day of July 1863, for which in accordance with section 64 of the Bombay Municipal Acts of [2]1872 and [2]1878 the Vehar Lake and the property appurtenant thereto, hereinafter referred to as "the Vehar water-works," were vested in the corporation, the [3][Provincial Government] may direct that the said Vehar water-works shall vest and the same shall in such case vest, in the corporation, on the conditions hereinafter provided and for the purposes of this Act, for such further period not exceeding ninety-nine years as shall seem expedient :

Bom. III of 1872. Bom. IV of 1878.

(2) Provided that on the expiry of the said first term of ninety-nine years or of any further term for which the [3][Provincial Government] may have directed that the said Vehar water-works shall vest in the corporation, all rights and every power conveyed to the corporation shall forthwith cease and determine and the said Vehar water-works shall revert to and become vested in [4][His Majesty for the purposes of the Province.]

Lands and buildings specified in Schedule V to vest in His Majesty.

[5]**89A.** On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of the corporation in and to the lands and buildings specified in Schedule V free from all liabilities and charges affecting the same and created by the corporation shall vest in His Majesty :

Bom. III of 1907.

Provided that nothing in this section shall affect any of the lands specified in the items in the said Schedule numbered 28 to 139 (both inclusive) on which any moveable wooden chowki is situated at the commencement of the said Act.

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[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Bom. 3 of 1872 and Bom. 4 of 1878 are repealed by s. 2 of this Act.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council".

[4] The words "His Majesty for the purposes of the province" were substituted for the words "Her Majesty as the same were vested in Her Majesty before the first day of July 1863" *ibid.*

[5] Sections 89A to 89F were inserted by Bom 3 of 1907, s. 14.

The statue of Her Majesty Queen Victoria and the site thereof in the Esplanade road to vest in the corporation subject to certain conditions.

[1]89B. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of His Majesty in and to the statue of Her Majesty Queen Victoria and the site thereof in the Esplanade road shall vest in the corporation free from all liabilities and charges affecting the same and [2][created by the Crown] and the said statue and the said site shall thereafter be held by the corporation in trust as a public monument, and it shall not be lawful for the corporation, except with the previous sanction of [3][the Provincial Government], to remove the said statue from the said site or to apply the said site to any other purpose. Bom. III of 1907.

The Victoria and Albert Museum and the site thereof to vest in the corporation.

[1]89C. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of His Majesty in and to the Victoria and Albert Museum and the site thereof shall vest in the corporation free from all liabilities and charges affecting the same and [2][created by the Crown] and corporation may apply the said museum and the said site to any public purpose on and from such date as the Prince of Wales Museum of Western India may be declared open by [3][the Provincial Government]. Bom. III of 1907.

Central Vaccine Depot at Parel to vest in the corporation.

[1]89D. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the estate, right, title and interest of His Majesty in and to the Central Vaccine Depot at Parel shall vest in the corporation free from all liabilities and charges affecting the same and [2][created by the Crown]. Bom. III of 1907.

All buildings used for primary education and the sites thereof to vest in the corporation.

[1]89E. On and from the commencement of the City of Bombay Police Charges Act, 1907, all the buildings used for primary education and the sites thereof within the city theretofore vesting in His Majesty shall vest in the corporation free from all liabilities and charges affecting the same and [2][created by the Crown]. Bom. III of 1907.

Corporation to repay to Provincial Government the amount of grant made for purposes of primary education in respect of certain buildings or sites if used for other purposes.

[1]89F. Notwithstanding anything contained in section 89E, if any buildings or sites in respect of which, before or after the commencement of the City of Bombay Police Charges Act, 1907, any grant has been made by the [3][the Provincial Government] for the purposes of primary education shall without the sanction of [3][the Provincial Government] be used for any other purpose, the corporation shall thereupon repay to [3][the Provincial Government] the amount of such grant. Bom. III of 1907.

Acquisition of immovable property by agreement.

90. (*1*) Whenever it is provided by this Act that the Commissioner may acquire or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by

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[1] Sections 89A to 89F were inserted by Bom. 3 of 1907, s. 14.

[2] The words "created by the Crown" were substituted for the words "created by Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

the Commissioner on behalf of the corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the [1][Improvements Committee], either generally for any class of cases or specially in any particular case.

(*2*) And whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the hole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at such rates or prices or at rates or prices not exceeding such maximum as shall be approved bythe [2][Improvements Committee] as aforesaid.

[3](*2A*) Subject to the provisions of this Act, it shall be lawful for the Commissioner on behalf of the corporation to agree, with the owner of any land or of any interest in land needed by the corporation for the purposes of any scheme under Chapter XII-A or with the owner of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land or for compensating the owner of any such right in respect of any deprivation thereof or interference therewith ;

[4](*3*) No contract for the acquisition of any immovable property or of any interest therein or any right thereto or the payment of any compensation under sub-section (*1*) or (*2*) or (*2A*) shall be valid, if the price or compensation to be paid for such property or interest or right exceeds five thousand rupees unless and until such contract has been approved by the Improvements Committee and by the corporation if the price or compensation exceeds ten thousand rupees.

[5](*4*) Every contract or other instrument relating to the acquisition of immovable property or any interest therein or any right thereto shall be executed by the Commissioner, shall have the common seal of the corporation affixed thereto in the presence of two members of the Improvements Committee and shall also have the signatures of the said two members, in the manner prescribed in section 70.

[5](*5*) No contract for the acquisition of immovable property or any interest therein or any right thereto not executed as in sub-section (*4*) provided shall be binding on the corporation.

[5](*6*) The foregoing provisions of this section which apply to an original contract relating to the acquisition of immovable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract.

Procedure when immovable property cannot be acquired by agreement.

91. (*1*) Whenever the Commissioner is unable to acquire any immovable property under the last preceding section by agreement, [6][the Provincial Government] may, in their discretion, upon the application of the Commissioner, made with the approval of the [7][Improvements Committee] [8][and subject to the other provisions of this Act] order proceedings to be taken for acquiring the same on behalf of the corporation, as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1870.[9]

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[1] The words "Improvements Committee" were substituted for the original words by Bom. 13 of 1933, s. 17 (*a*).

[2] The words "Improvements Committee" were substituted for the original words, *ibid.*, s. 17 (*b*).

[3] New sub-section (*2A*) was inserted by Bom. 13 of 1933 s. 17 (*c*).

[4] Sub-section (*3*) was substituted for the original sub-sections, *ibid.*, s. 17 (*d*).

[5] New sub-sections (*4*), (*5*) and (*6*) were inserted, *ibid.*, s. 17(*e*).

[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[7] These words were substituted for the original words by Bom. 13 of 1933, s. 18 (*a*).

[8] These words were inserted, *ibid.*, s. 18 (*b*)

[9] See now the Land Acquisition Act, 1894 (1 of 1894).

(*2*) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the corporation.

Transfer of property to the corporation.

[1]**91A.** (*1*) From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation there shall vest or re-vest in the corporation, as the case may be, subject to all the charges and liabilities affecting the same, to be held by the corporation for the purposes of this Act, subject to any restrictions and conditions contained in the City of Bombay Municipal (Amendment) Act, 1933, all the immovable and other property and all other interests and rights of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, including all the estate, right, title and interest of the said Board in and to the lands specified in Schedule W and Schedule X and in the reclaimed lands specified in Schedule Y and shown on the deposited plans. Bom. XIII of 1933. Bom. XVI of 1925.

(*2*) (*a*) In respect of the lands referred to as the Flats, specified in Schedule W as plots 1 (*b*), 1 (*c*) and 1 (*d*), the corporation may, subject to the power of resumption reserved by sub-section (*8*) at any time lay out the whole or any part or parts of these plots as recreation grounds or parks for the free use of the public, or appropriate the whole or any part of the said plots to building purposes.

(*b*) The lands specified in Schedule W as plot 1 (*j*) shall, subject as aforesaid, be permanently appropriated as an open space, but such appropriation shall not pre-preclude the corporation from letting the said lands from time to time on lease for a term not exceeding one year, or with the previous sanction of [2][the Provincial Government] and on such conditions as may be approved by [2][the Provincial Government] for a term not exceeding 30 years, for the purpose of a race-course or for any purpose of public recreation or amusement.

(*c*) All the lands specified in Schedule W as plots 1 (*a*), 1 (*e*) to 1 (*i*) both inclusive and 1 (*k*) and the lands specified in Schedule Y shall, subject to the provisions of sub-section (*1*), vest in the corporation.

(*3*) The lands respectively referred to in Schedule ZZ as plot 1 (*d*-1) part, 1 (*b*) Cadastral Survey No. 3/383 the Body Guard Lines Plot, Plot No. 3 the Cooperage Plot and Plot No. 4 (*b*) the Marine Lines Maidan shall vest absolutely in His Majesty, provided that Plot No. 3 the Cooperage Plot and Plot No. 4 (*b*) the Marine Lines Maidan shall be maintained in perpetuity as open spaces, provided further that the aforesaid Plot Nos. 3 and 4 (*b*) or any part thereof may at any time be occupied by or with the previous permission of [2][the Provincial Government] for any temporary purpose.

(*4*) All the estate, right, title and interest of the said Board to and in any land specified in Schedule W vested or re-vested in the corporation under this section, with the exception of the lands specified in clause (*c*) of sub-section (*2*) and in sub-section (*3*) shall, subject to the provisions of this section, remain so vested or re-vested until such time as the whole of the lands so specified except those appropriated as open spaces, shall have been let on a building lease either by the said Board or by the corporation or as to any part thereof until such time as such part shall have been so let, and thereafter, as to the whole, except as aforesaid, or any such part for a further period, which shall not as regards the whole or any such part exceed ninety-nine years from the date on which the whole or any such part shall have been first let.

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[1] New sections 91A to 91C were inserted by Bom. 13 of 1933, s. 19.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*5*) All lands specified in Schedule X shall, subject to the provisions of sub-section (*1*), vest in the corporation.

(*6*) It shall be lawful for the corporation from time to time, in the case of land specified in Schedule W, with the sanction of [1][the Provincial Government], to take out of said Schedule W any land or to take any land out of Schedule X in exchange for any freehold land, the property of the corporation, which they wish to bring on to the Schedules. An exchange made under this sub-section shall operate to transfer the land taken out of the schedules to the corporation free from all condition of resumption and re-vesting created by this Act and free from all encumbrances and to vest the land brought on to the Schedules in the corporation as if it were part of the property originally entered in Schedule W or X, as the case may be.

(*7*) Without prejudice, and in addition to the powers conferred on the corporation by section 87, it shall be lawful for the corporation to the take over and hold any other lands within the city of which they may be put in possession by the [2][Central or Provincial Government], to the intent that such lands shall vest in the corporation in the same manner and subject to the same conditions as if such lands, if taken over from the [2][Central or Provincial Government], were included in Schedule W, and such vesting shall in every such case take effect upon delivery to the corporation of possession of the land.

(*8*) Any land, other than land specified in clause (*c*) of sub-section (*2*) and other than land leased or agreed to be leased by the said Board or by the corporation specified in Schedule W, which shall be required by [3][the Central or the Provincial Government] for a public purpose, may at any time, after giving six months' notice to the corporation, be resumed by [4][that Government].

(*9*) [5][The Provincial Government] may, by notification in the [6][*Official Gazette*], from time to time add to or amend the entries in Schedule W and, with the concurrence of the corporation, the entries in Schedule X so far as may be necessary in consequence of any exchange, resumption, acquisition or other transfer of land, and, with the like concurrence in the case of lands specified in Schedule X, correct mistakes in the said schedules or in the deposited plans, and upon such notification the said schedules or plans shall be read subject to such addition, amendment or correction. Such notification shall in the case of any alteration of Schedule W or Schedule X include a notification of the whole schedule or schedules as so altered.

Vesting of property in His Majesty on the termination of leases granted by the corporation.

[7]**91B.** Upon the determination of the further period mentioned in sub-section (*4*) of section 91A the property vested or re-vested in the corporation, under the said section in any part of the lands specified in Schedule W except those appropriated as open spaces, and the plots 1(*a*) and 1(*e*) to 1(*i*) both inclusive and 1(*k*) of the Flats shall be forthwith divested and such part of such lands shall vest or re-vest absolutely in His Majesty [8][for the purposes of the Province].

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Central or Provincial Government" were substituted for the words "Secretary of State for India in Council", *ibid.*

[3] The words "the Central or the Provincial Government" were substituted for the word "Government", *ibid.*

[4] The words "that Government" were substituted for the word "Government", *ibid.*

[5] The words "The Provincial Government" were substituted for the word "Government", *ibid.*

[6] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[7] New sections 91A to 91C were inserted by Bom. 13 of 1933, s. 19.

[8] The words "for the purposes of the Province" were inserted by the Adaptation of Indian Laws Order in Council.

Power to apply certain lands vested in the corporation to the purpose of any scheme under this Act.

[1]**91C.** The corporation shall have power, subject to the provisions of section 91A, to apply any of the lands specified in Schedules W, X and Y for the purposes of any scheme under this Act including any of the schemes referred to in sub-section (*2*) of section 354B.

Disposal of Property.

Provisions governing the disposal of municipal property.

92. With respect to the disposal of property belonging to the corporation [2][other than property vesting in the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking], the following provisions shall have effect, namely—

(*a*) the Commissioner may, in his discretion, dispose of, by sale or otherwise, any moveable property belonging to the corporation not exceeding in value, in each instance, five hundred rupees, or grant a lease of any immovable property belonging to the corporation, including any right of fishing or of gathering and taking fruit and the like, for any period not exceeding twelve months at a time : [3][Provided that every lease of immovable property granted by the Commissioner (other than a contract for a monthly tenancy) the annual rent whereof at a rack rent exceeds three thousand rupees shall be reported by him, within fifteen days after the same has been granted, to the Improvements Committee] ;

[4][(*b*) with the sanction of the standing committee, the Commissioner may dispose of, by sale or otherwise, any moveable property belonging to the corporation, of which the value does not exceed five thousand rupees. He may, with the sanction of the Improvements Committee, grant a lease of any immovable property belonging to the corporation, including any such right as aforesaid for any period exceeding one year or sell or grant a lease in perpetuity of any immovable property belonging to the corporation, the value or premium whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees ;]

(*c*) with the sanction of the corporation, the Commissioner may lease, sell or otherwise convey any property, moveable or immovable belonging to the corporation ;

[5][(*cc*) the consideration for which any immovable property or any right belonging to the corporation may be sold, leased or otherwise transferred shall not be less than the market value of such premium, rent or other consideration ;]

(*d*) the sanction of the standing committee or [6][of the Improvements Committee or] of the corporation under clause (*b*) or clause (*c*) may be given either generally for any class of cases or specially in any particular case ;

(*e*) the aforesaid provisions of this section shall apply, respectively, to every disposal of property belonging to the corporation made under or for any purpose of this Act :

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[1] New sections 91A to 91C were inserted by Bom. 13 of 1933, s. 19.
[2] These words were inserted by Bom. 48 of 1948, s. 18.
[3] This proviso was inserted by Bom. 13 of 1933, s. 20 (*a*) for the orginals amended by Bom. 10 of 1928, s. 8.
[4] Sub-clause (*b*) was substituted for the original by Bom. 13 of 1933, s. 20 (*b*).
[5] New sub-clause (*cc*) was inserted, *ibid.*, s. 20 (*c*).
[6] These words were inserted by Bom. 13 of 1933, s. 20 (*d*).

[1][Provided that nothing in this section shall apply to the statue of Her Majesty Queen Victoria or to the Victoria and Albert Museum or to the sites thereof referred to in sections 89B and 89C except with the previous sanction of [2][the Provincial Government].]

Liabilities.

93. So much of the following moneys as are still repayable on the day when this Act comes into force shall be repaid, together with the interest due thereupon, by the corporation, namely— Debts payable by the corporation.

(*a*) to the [3][Crown]—

(*i*) the balance of the debt due on account of the Vehar water works [4][referred to] in section 140 of the Bombay Municipal Acts of 1872[5] and 1878,[5] with simple interest thereon at the rate of four per centum per annum; Vehar water-works debt. Bom. III of 1872. Bom. IV of 1878.

(*ii*) the balance of the consolidated loan, at the same was defined in section 3, clause (3) of the Bombay Municipality's Consolidated Loan Act, 1880,[5] due on various accounts, with interest thereon at the rate of four-and-a-half per centum per annum; The consolidated loan. Bom. II of 1880.

(*b*) to municipal security-holders—

(*iii*) the house rate loan and the two market loans raised in 1867 and 1868 under the provisions of the Bombay Municipal Act, 1865,[6] with interest thereon at the rate of six per centum per annum; House rate and market loans of 1867–68. Bom. II of 1865.

(*iv*) the drainage loan of 1878 raised under the provisions of the Public Works' Loan Act, 1871,[7] with interest thereon at the rate of five per centum per annum; New drainage loan of 1878. XXIV of 1871.

(*v*) the sanitary works' loans of 1885, 1886 and 1888 contracted under the provisions of the Local Authorities Loans Act, 1879,[8] with interest thereon at the rate of five per centum per annum; Sanitary works loans of 1885, 1886 and 1888. XI of 1879.

(*vi*) the portion of the Tansa water-works' loan contracted under the Act last aforesaid previous to the coming into force of this Act; Tansa water-works' loan.

(*vii*) the portion of the drainage and water-works' loan of 1888 contracted under the said Act previous to the coming into force of this Act. Drainage and water-works loan of 1888.

Repayment of Moneys due to the [9][Crown].

94. In order to secure the repayment of the Vehar water-works' debt, the Commissioner shall, on the first day of every month, until the whole of the said debt, together with the interest due thereon, shall be liquidated, pay to [10][the Crown] a sum of rupees [11][nine thousand four hundred and ninety-eight]. Vehar water-works' debt repayable in monthly instalments.

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[1] This proviso was added to section 92 by Bom. 3 of 1907, s. 15.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws in Council.

[3] The word "Crown" was substituted for the words "Secretary of State for India in Council", *ibid.*

[4] The words "referred to" were substituted with effect from the 31st December 1892 for the original words by Bom. 2 of 1894, s. 2.

[5] Bom. 3 of 1872, 4 of 1878 and 2 of 1880 are repealed by s. 2 of this Act.

[6] Bom. 2 of 1865 was repealed by Bom. 3 of 1872.

[7] Act 24 of 1871 was repealed by Act 11 of 1879, which in its turn was repealed by Act 9 of 1914.

[8] *See* now the Local Authorities Loans Act, 1914 (9 of 1914).

[9] The word "Crown" was substituted for the words "Secretary of State in Council" by the Adaptation of Indian Laws Order in Council.

[10] The words "the Crown" were substituted for the word "Government", *ibid.*

[11] These words were substituted with effect from 31st December 1892 for the original words by Bom. I of 1894, s. 3.

Period of repayment of consolidated loan.

95. (*1*) The whole of the consolidated loan, together with the interest due thereon, shall be repaid within thirty years from the first day of January 1881.

Mode of repayment.

(*2*) For better securing the repayment of the said loan, the Commissioner shall pay half-yearly to [1][the Crown], on every first day of January and every first day of July, until the whole of the said loan, together with the interest due thereon, shall be liquidated, a sum of one lakh seventy-eight thousand three hundred and twenty-six rupees two annas and five pies.

Payments to whom to be made.

96. (*1*) Every payment to be made by the Commissioner under either of the two last preceding sections shall be made [2][to the officer for the time being appointed to receive [3][the Provincial Government] dues or into the Bank of Bombay].

Notice of payments to be published.

(*2*) Notice of every such payment having been made shall be forthwith published by the Commissioner in the [4][*Official Gazette.*]

In case of non-payment, report to be made to the Chief Secretary to Provincial Government.

97. If the Commissioner fails to make any of the said payments at the prescribed time the Accountant General shall, within seven days after the day on which such payment ought to have been made, report the fact to the Chief Secretary to [3][the Provincial Government] or other officer acting in that capacity.

Arrears may be recovered by detention of moneys due to the corporation.

98. (*1*) It shall be lawful for the said Chief Secretary, or other officer acting in that capacity, when any of the said payments is in arrear, to direct any [5][servant of the Crown], not being a municipal authority or officer, to detain, to the extent of any payment or payments then in arrear, any moneys due or that may become due to the corporation, which he may then or thereafter have in his custody or control.

(*2*) Such officer shall detain the moneys which he is so directed to detain and pay the same, as they become due to the corporation, [2][to the officer for the time being appointed to receive [3][the Provincial Government] dues, or into the Bank of Bombay].

(*3*) The moneys so paid shall be applied in or towards satisfaction of the amount for the time being due in respect of the Vehar water-works' debt or of the consolidated loan, in preference to and with priority over all other incumbrances on and claims to to such moneys.

Or by attachment of the municipal fund, etc.

99. (*1*) If the amount in arrear cannot be recovered in the manner provided in the last preceding section, the [6][Provincial Government] may attach the municipal fund, or any tax leviable by the corporation.

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[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the original words, *ibid*, s. 4 (*1*). The reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[5] The words "servant of the Crown" were substituted for the words "Government Officer", *ibid.*

[6] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

(2) After such attachment no person, except an officer appointed by the [1][Provincial Government], shall in any way deal with the attached fund or tax; but such officer may do all acts in respect thereof which the corporation or any municipal authority might have done, if such attachment had not taken place and may apply the proceeds in satisfaction of the amount in arrear and of all expenses involved by the attachment and subsequent proceedings.

(3) Provided that no such attachment shall defeat or prejudice any debt for which the fund or tax attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund or tax attached before any part of the proceeds is applied to the satisfaction of a liability for the Vehar water-works' debt or the consolidated loan.

Attachment not to defeat prior charge legally made.

100. If the Commissioner fails to make any monthly payment, in accordance with section 94, on account of the Vehar water-works' debt and after notice in writing, signed by one of the Secretaries to [2][the Provincial Government] requiring payment of the same has been served upon him and forwarded to the president of the corporation and published for a period of not less than two months in the [3][*Official Gazette*] shall still fail to make such payment, the said Vehar water-works shall, notwithstanding anything contained in section 88, cease to vest in the corporation and shall forthwith become vested in [4][Her Majesty] in trust for the purposes for which the same were previously vested in the corporation.

Reversion of Vehar water-works to the Crown in case of default in payment of any instalment of the debt due on their account.

101. Nothing in the four last preceding sections shall affect the rights or remedies which the [5][Crown] has or shall have independently of this Act for the recovery of the moneys aforesaid.

Other rights, remedies of the Crown not to be affected.

102. The annual sum of the monthly instalments paid by the Commissioner under section 94 and all recoveries made under any of the foregoing sections on account of the Vehar water-works' debt shall be appropriated as follows, namely :—

Method of appropriating payments on account of the Vehar water-works.

first to the payment of the interest accrued on account of the principal sum of rupees thirty-seven lakhs thirty thousand and fifty-three due on account of the said debt on the first day of July 1863;

secondly, to the payment of interest on all sums advanced by [6][the Crown] in connection with the said works since the first day of July 1863;

thirdly, to the payment of all sums subsequently advanced as aforesaid; and

lastly, to the liquidation of the said principal sum of rupees thirty-seven lakhs thirty thousand and fifty-three.

103. Every payment made by the Commissioner under section 95 and all recoveries made under any of the foregoing sections on account of the consolidated loan shall be appropriated first to the payment of the interest due at the time of such payment or recovery and secondly to the reduction of the principal.

Method of appropriating payments on account of the consolidated loan.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council", by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] The words "*Official Gazette*" were substituted for the word "*Bombay Governmnt Gazette*", *ibid.*

[4] The words "Her Majesty" were substituted for the original words by Bom. 4 of 1888, s. 5 (*1*) (*a*).

[5] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[6] The words "the Crown" were substituted for the word "Government", *ibid.*

Repayment of House-rate and Market Loans of 1867–68.

Sinking fund for house-rate and market loans to be maintained.

104. (*1*) Until such times as the corporation repay the house-rate loan and the two market loans raised in 1867 and 1868 under the provisions of sections 253 to 258 of the [1]Bombay Municipal Act, 1865, it shall be incumbent on the corporation to maintain out of the taxes, on the security of which the said loans were raised, the sinking-fund prescribed by section 257 of the said Act: Bom. II of 1865.

(*2*) Provided that in the event of the corporation's discharging any portion of the said loans at any time previous to the time at which they are repayable in full, it shall be competent to the corporation to reduce *pro tanto* the amount of the said sinking fund.

Publication of Annual Account of Balances due on Loans.

Account of balances due on loans to be published by the Commissioner yearly.

105. (*1*) The Commissioner shall, in the month of [2][April] in each year, publish in the [3][*Official Gazette*] an account showing the balances due by the corporation on the last preceding thirty-first day of [2][March] to the [4][Crown] and to municipal security holders, [5][and holders of securities issued by the Board of Trustees for the Improvement of the City of Bombay under and in accordance with the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925] respectively, on account of each debt or loan, if any, at the time still repayable by the corporation. Bom. IV of 1898. Bom. XVI of 1925.

(*2*) The Commissioner shall also cause the said account to be printed and a printed copy thereof to be forwarded to the usual or last known local place of abode of each councillor.

CHAPTER VI.

Borrowing Powers.

Power to borrow from Central or Provincial Government or other persons.

[6]**106.** The corporation may from time to time borrow or re-borrow and take up at interest from [7][the Central or the Provincial Government] or with the sanction of the [8][Provincial Government], from any other person, any sum necessary for the purpose of—

(*a*) defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act,

(*b*) discharging any loan contracted under this Act or any other loan or debt for the repayment of which they are liable,

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[1] Bom. 2 of 1865 was repealed by Bom. 3 of 1872.

[2] The words "April" and "March" were respectively substituted for the original words "January" and "December" by Bom. 10 of 1928.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[4] The word "Crown" was substituted for the words "Secretary of State for India in Council", *ibid.*

[5] These words and figures were inserted by Bom. 13 of 1933, s. 21.

[6] New section 106 was substituted by Bom. 13 of 1933, s. 22, for the original as amended by Act 38 of 1920, s. 2, and Sch I, Part IV, and Bom. I of 1925, s. 17.

[7] The words "the Central or the Provincial Government" were substituted for the words "the Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[8] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

(*c*) making good any deficit in budget-estimate " B " framed under section 126,

(*d*) generally, carrying out the purposes of this Act including the advance of loans under section 354W.

[1]* * * * * * *

107. If any new loan shall be contracted by the corporation under this Act with [2][the Central or the Provincial Government], the same shall be subject, as regards repayment and security and in every other respect, to the same provisions as are hereinbefore contained in respect of the consolidated loan save only that the rate of interest, the period of repayment and the number and amount of the instalments shall, in the case of any such new loan, be fixed, [3][by the Central Government, or, as the case may be, the Provincial Government]. Provisions applicable to any new loan contracted with Central or Provincial Government.

[1]* * * * * * * *

108. (*1*) The corporation may borrow or re-borrow any such sum as aforesaid from any person other than [2][the Central or the Provincial Government], on the security of any immovable property belonging to them or proposed to be acquired by them under this Act or of all the taxes or of any tax which they are authorised to levy for the purposes of this Act [4][or of the Bombay Electric Supply and Transport Undertaking] or of all or any of those securities. Mortgage of taxes or immovable property.

(*2*) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person by or on behalf of whom such sum is advanced any such immovable property or tax [5][or the said undertaking.]

109. The exercise of the powers of borrowing conferred by this Act shall be subject to the following provisions, namely— Provisions as to exercise of borrowing powers.

(*a*) money shall not be borrowed for the execution of any work other than a permanent work including under this expression any work, of which the cost ought, in the opinion of [6][the Provincial Government], to be spread over a term of years;

[7](*b*) the sum borrowed for any purpose other than for discharging any of the obligations arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 [8][or other than for discharging any obligation arising out of the acquisition, extension, administration, operation or maintenance of the Bombay Electric Supply and Transport Undertaking,] including the balances of all the outstanding loans and debts borrowed for any of the said purposes shall not exceed in the whole double the rateable value of the premises in the city assessable, as hereinafter provided, to property taxes; and

Bom. XVI of 1925.

[7](*c*) the sum borrowed for the purpose of discharging any of the obligations arising out of the transfer to the corporation of the powers, duties, assets and

[1] The proviso was omitted by the Adaptation of Indian Laws Order in Council.

[2] The words " the Central or the Provincial Government " were substituted for the words " the Secretary of State for India in Council " *ibid.*

[3] The words " by the Central Government or, as the case may be, the Provincial Government " were substituted for the words " under the orders of the Governor General in Council, by the Governor in Council ", *ibid.*

[4] These words were inserted by Bom. 48 of 1948, s. 19.

[5] These words were added, *ibid*, s. 19.

[6] The words " the Provincial Government " were substituted for the words " Government " by the Adaptation of Indian Laws Order in Council.

[7] Clauses (*b*), (*c*) and (*d*) were substituted for the original clause (*b*) by Bom. 13 of 1933, s. 23 (*a*).

[8] These words were inserted by Bom. 48 of 1948, s. 20.

liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, iincluding, the balances of all outstanding loans and debts borrowed by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, and by the corporation for the purpose of discharging the aforesaid obligations, shall not at any time exceed in the whole double the rateable value of the premises in the city assessable, as hereinafter provided, to property taxes; and

Bom. XVI of 1925.

Bom. IV of 1898.

Bom. XVI of 1925.

[1](*d*) the sum borrowed under clause (*c*) for the purpose of making good any deficit in budget estimate B framed under section 126 shall not in any year exceed twenty lakhs of rupees; [2] [and

(*dd*) the sum borrowed for the purpose of discharging any obligation arising out of the acquisition, extension, administration, operation, or maintenance of the Bombay Electric Supply and Transport Undertaking including the balances of all the outstanding loans and debts borrowed for the said purpose, shall not at any time exceed in the whole double the rateable value of the premises in the city assessable, as hereinafter provided, to property taxes; and]

[3](*e*) the money may be borrowed for such time, not exceeding sixty years, as the corporation, with the sanction of the [4][Provincial Government], determine in each case;

[3][[5](*f*) the corporation shall either pay off the money so borrowed, within the period sanctioned, by equal annual instalments of principal or of principal and interest, or in such other manner as may be approved by [6][the Provincial Government], or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys so borrowed within the period sanctioned or within such other period as may be approved by [6][the Provincial Government];]

[3](*g*) the corporation may at any time apply the whole or any part of a sinking-fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund each time that interest would have been received by the corporation in respect of the sinking-fund or the part of the sinking-fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received;

[3](*h*) the investment every year of any sum set apart as portion of the principal of a sinking-fund shall be made within fifteen days after the day on which the second half-yearly payment of interest is due by the corporation in respect of the loan for repayment of which such sinking-fund is established; and the re-investment of any sum received by the corporation on account of interest on moneys appertaining to a sinking-fund already invested, and the investment

[1] Clauses (*b*), (*c*) and (*d*) were substituted for the original clause (*b*) by Bom. 13 of 1933, s. 23 (*a*).
[2] This portion was inserted by Bom. 48 of 1948, s. 20.
[3] Original clauses (*c*) to (*g*) of section 109 were relettered (*e*) to (*i*) by Bom. 13 of 1933, s. 23 (*b*).
[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
[5] New clause (*f*) was substituted for the original by Bom. 13 of 1933, s. 23 (*c*).
[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

of any sum payable into the fund under clause [1](*g*) as the equivalent of interest which the corporation would have received, if the sinking fund or a part thereof had not been applied in any manner authorized by the said clause, shall be made within one month from the day on which such interest is received or from the day on which such interest would have been received, as the case may be :

[2][provided that during the year in which the loan for repayment of which a sinking fund has been established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys forming part of such sinking fund may be retained by the corporation in such form as they think fit ;]

[3](*i*) where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless with the sanction of [4][the Provincial Government] extend beyond the unexpired portion of the period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Investment of sinking fund and surplus moneys in debentures issued by the corporation.

[5]**109A.** (*1*) In respect of any sinking funds which by this Act the corporation are directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Commissioner on behalf of the corporation is empowered to invest in like securities, it shall be lawful for the corporation to reserve and set apart for the purpose of any such investment any debentures issued or to be issued on account of any loan for which the sanction of the [6][Provincial Government] [7]* * * shall have been duly obtained under section 106 or issued by the Board of Trustees for the Improvement of the City of Bombay under section 52 of the City of Bombay Improvement Act, 1898 or section 68 of the City of Bombay Improvement Trust Transfer Act, 1925, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan ;

Bom. IV of 1898. Bom. XVI of 1925.

(*2*) the issue of any such debentures direct to and in the name of "The Municipal Commissioner for the City of Bombay" on behalf of the corporation shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person ;

(*3*) the purchase by, or the transfer, assignment or endorsement to, the corporation or to the Municipal Commissioner on behalf of the corporation of any debenture issued by the corporation or by the Board of Trustees for the Improvement of the City of Bombay shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to any other person.

Annual examination of sinking funds.

[8][**109AA.** (*1*) All sinking funds established under this Act shall be subject to annual examination by the Accountant General, Bombay, who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal

[1] The brackets and letter "(*g*)" were substituted for the brackets and letter "(*e*)" by Bom. 76 of 1948, s. 12.
[2] This proviso was inserted by Bom. 13 of 1933, s. 23 (*d*).
[3] Original clauses (*c*) to (*g*) of section 109 were relettered (*e*) to (*i*), *ibid*, s. 23 (*b*).
[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
[5] New sections 109A, 109B and 109C were inserted, by Bom. 13 of 1933, s. 24.
[6] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.
[7] The words "or of the Governor General in Council" were omitted, *ibid*.
[8] This section was inserted by Bom. 76 of 1948, s. 13.

to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(*2*) The amount which should be at the credit of a sinking fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom.

(*3*) The securities belonging to a sinking fund shall be valued for the purposes of this section at their current market value, except in the case of debentures issued under this Act or under any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or under the City of Bombay Improvement Trust Transfer Act, 1925, which shall always be valued at par, provided that the corporation shall make good immediately any loss which may accrue on the actual sale of such debentures at the time of the repayment of the loan. Bom. IV of 1898. Bom. XVI of 1925.

(*4*) The corporation shall forthwith pay into any sinking fund any amount which the Accountant General, Bombay, may certify to be deficient, unless the Provincial Government specially sanctions a gradual readjustment.

(*5*) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit, the Accountant General, Bombay, shall certify the amount of such excess sum and the corporation may thereupon transfer the excess sum to the municipal fund.

(*6*) If any dispute arises as to the accuracy of any certificate made by the Accountant General, Bombay, under sub-section (*4*) or (*5*) the corporation may, after making the payment or transfer, as the case may be, refer the matter to the Provincial Government whose decision shall be final.]

Corporation may take advances from banks and grant mortgages.

[1]**109B.** (*1*) Notwithstanding anything contained in sections 106, 108 and 109, the corporation may, with the previous sanction of [2][the Provincial Government] and for the purpose of discharging any liability arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925, take from any bank or banks credit on a cash account to be opened and kept with such bank or banks in the name of the corporation, for a sum not exceeding in the aggregate fifteen lakhs of rupees on the security of all or any of the taxes which the corporation are authorised to levy for the purposes of this Act. Bom. XVI of 1925.

(*2*) The corporation may also with the previous sanction of [2][the Provincial Government] and subject to the provisions of this Act, mortgage any lands or property vesting or revesting or belonging to the corporation in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon.

Corporation to have power to borrow from banks against Government promissory notes or securities.

[1]**109C.** Notwithstanding anything contained in sections 106 and 109, the corporation may also borrow for the purpose of this Act, from any bank or banks in which under section 122 the surplus moneys at the credit of the municipal fund may be deposited, against any Government promissory notes or other securities in which for the time being the cash balance of the corporation may be invested.

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[1] New sections 109A, 109B and 109C were inserted by Bom. 13 of 1933, s. 24.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

110. (*1*) Every mortgage authorized to be made under this Chapter [1][other than a mortgage made under section 109B] shall be by debenture in the form contained in Schedule C or in such other form as the corporation, with the consent of [2][the Provincial Government] shall from time to time determine. Form of security.

(*2*) Every debenture issued under this Act [3][other than a debenture issued under section 110D] shall be transferable by endorsement [4]* * *
* * * * * * * *

(*3*) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

[5]**110A.** (*1*) When a debenture issued under this Act or any previous Act relating to the municipal government of the city [6][or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925], is alleged to have been [7][lost, stolen or destroyed either wholly or in part] and a person claims to be the person to whom but for the loss, [8][theft] or destruction it would be payable, he may, on application to the Municipal Commissioner, and on producing proof to his satisfaction of the loss, [8][theft] or destruction and of the justice of the claim, obtain from him an order for— Issue of duplicate securities.

Bom. IV of 1898.

Bom. XVI of 1925.

[9][(*a*) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (*2*),

(*i*) for the payment of interest in respect of the debenture pending the issue of a duplicate debenture, and

(*ii*) for the issue of a duplicate debenture payable to the applicant, or

(*b*) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years after the date of publication of the notification referred to in sub-section (*2*),

(*i*) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and

(*ii*) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.]

(*2*) An order shall not be passed under sub-section (*1*) until after the issue of such notification of the loss [10][theft] or destruction of the debenture as may be prescribed by the corporation, and after the expiration of such period as may be prescribed by the corporation, nor until the applicant has given such indemnity as may be required by the corporation against the claims of all persons deriving title under the debenture lost, [11][stolen] or destroyed.

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[1] These words and figures were inserted, by Bom. 13 of 1933, s. 25 (*a*)

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were inserted by Bom. 13 of 1933, s. 25 (*b*).

[4] The words and letter "and such transfers may be in the form of Schedule D, or to the like effect" were deleted and have been deemed always to have been deleted, by Bom. 76 of 1948, s. 14.

[5] Sections 110A to 110C were inserted by Bom. 1 of 1910, s. 2, Serial No. 16.

[6] These words and figures were inserted by Bom. 13 of 1933, s. 26.

[7] These words were substituted for the words "wholly or partly lost or destroyed" by Bom. 5 of 1938, s. 12 (*a*) (*i*).

[8] This word was inserted, *ibid.*, s. 12 (*a*) (*ii*).

[9] These clauses were substituted for the original, *ibid.*, s. 12 (*a*) (*iii*).

[10] This word was inserted, *ibid.*, s. 12 (*b*) (*i*).

[11] This word was inserted, *ibid.*, s. 12 (*b*) (*ii*).

[1](*3*) A list of the debentures in respect of which an order is passed under sub-section (*1*) shall be published in the Official Gazette.]

[2](*4*) If at any time before the corporation becomes discharged under the provisions of section 110AD from liability in respect of any debenture the whole of which is alleged to have been lost, stolen or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled.]

Renewal of debentures.

[3][**110AA.** Subject to the provisions of section 110AB, a person claiming to be entitled to a debenture issued under this Act or any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, may on applying to the Commissioner and on satisfying him of the justice of his claim and delivering the debenture receipted in such manner and paying such fee as may be prescribed by the Commissioner obtain a renewed debenture payable to the person applying.

Bom. IV of 1898. Bom. XVI of 1925.

Renewal of debentures in case of dispute as to title.

110AB. (*1*) Where there is a dispute as to the title to a debenture issued under this Act or any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, in respect of which an application for renewal has been made, the Commissioner may—

Bom. IV of 1898. Bom. XVI of 1925.

(*a*) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such debenture, issue a renewed debenture in favour of such party, or

(*b*) refuse to renew the debenture until such a decision has been obtained, or

(*c*) after such inquiry as is hereinafter provided and on consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration, issue a renewed debenture in favour of such party in accordance with the provisions of section 110AA, unless within that period he has received notice that proceedings have been instituted by any person in a court of competent jurisdiction for the purpose of establishing a title to such debenture.

Explanation.—For the purposes of this sub-section the expression "final decision" means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(*2*) For the purposes of the inquiry referred to in sub-section (*1*) the Commissioner may himself record, or may request the District Magistrate to record or to have recorded, the whole or any part of such evidence as the parties may produce. The District Magistrate to whom such request has been made may himself record the evidence or may direct any Magistrate subordinate to him to record the evidence and shall forward the record of such evidence to the Commissioner.

(*3*) The Commissioner or any Magistrate acting under this section may, if he thinks fit, record evidence on oath.

Liability in respect of debenture renewed.

110AC. (*1*) When a renewed debenture has been issued under section 110AA in favour of any person, the debenture so issued shall be deemed to constitute a new contract between the corporation and such person and[4] all persons deriving title thereafter through him.

(*2*) No such renewal shall affect the rights as against the corporation of any other person to the debenture so renewed.

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[1] This Sub-section was substituted for the original by Bom. 5 of 1938, s. 12 (*c*).
[2] This sub-section was added, *ibid*, s. 12 (*d*).
[3] Sections 110AA to 110AE were inserted, *ibid.*, s. 13.

110AD. When a duplicate debenture has been issued under section 110A, or when a renewed debenture has been issued under section 110AA or section 110AB, or when the principal sum due on a debenture in respect of which an order has been made under section 110A for the payment of the principal sum without the issue of a duplicate debenture has been paid on or after the date on which such payment became due, the corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued, or in respect of which such payment has been made, as the case may be— Discharge in certain cases.

(*a*) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (*3*) of section 110A or from the date of the last payment of interest on the original debenture, whichever date is later,

(*b*) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof, and

(*c*) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (*3*) of section 110A.

110AE. Notwithstanding anything in section 110AA or 110AB, the Commissioner may in any case arising under either of those sections— Indemnity.

(*1*) issue a renewed debenture upon receiving such indemnity in favour of the corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debenture, or

(*2*) refuse to issue a renewed debenture unless such indemnity is given.]

IX of 1872 Bom. IV of 1898. Bom. XVI of 1925.

[1]**110B.** (*1*) Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when any debenture issued under this Act or any previous Act relating to the municipal government of the city [2][or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925], is payable to two or more persons jointly and either or any of them dies, the debenture shall be payable to the survivor or survivors of those persons. Right of survivors of joint payees of securities.

(*2*) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture jointly payable to him or them and the deceased.

(*3*) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this section comes into force.

IX of 1872. Bom. IV of 1898. Bom. XVI of 1925.

[1]**110C.** Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when two or more persons are joint holders of any debenture issued under this Act, or any previous Act relating to the municipal government of the city, [3][or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925] any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture unless notice to the contrary has been given to the Commissioner by any other of the holders. Power of one or two or more joint holders to grant receipts.

[1] Sections 110A to 110C were inserted by Bom. 1 of 1910, s. 2, Serial No. 16.
[2] These words and figures were inserted by Bom. 13 of 1933, s. 26.
[3] These words and figures were inserted, *ibid*.

Debentures issued under Bombay Acts IV of 1898 and XVI of 1925.

[1]**110D.** (*1*) The holder of any debenture issued by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, may obtain in exchange therefor, upon such terms as the corporation shall from time to time determine, a debenture in any other form which the corporation may, with the previous consent of [2][the Provincial Government], prescribe. Bom. IV of 1898. Bom. XVI of 1925.

(*2*) Every debenture issued under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, or by the corporation under sub-section (*1*) shall be transferable— Bom. IV of 1898. Bom. XVI of 1925.

(*a*) if it is in the form of Schedule AA by endorsement, and

(*b*) if it is in any other form, in such manner as is therein expressed.

(*3*) The rights to sue in respect of the moneys secured by debentures issued under this section or the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, shall vest, in the respective holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others. Bom. IV of 1898. Bom. XVI of 1925.

Issue of stock certificates.

[1]**110DD.** (*1*) The standing committee at its discretion may, at the time of issue or at any time during the currency of any debentures or securities issued under the provisions of this Act or any previous Act relating to the municipal government of the city or under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, upon the application of the subscriber for, or holder of any such debentures or securities, issue to him, in lieu of the debentures or securities deliverable to or held by him, a certificate in the nature of a stock certificate in respect of the loan to which such debentures or securities relate, which shall be in such form as the corporation with the previous consent of [2][the Provincial Government], shall from time to time determine, and all the provisions as to interest or dividend on such debentures or securities shall, so far may be, apply to the interest on the stock certificate. Bom. IV of 1898. Bom. XVI of 1925.

[3][(*1A*) The repayment of the principal sum mentioned in a stock certificate issued under sub-section (*1*) in lieu of a debenture or any other security, not being a debenture issued under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, or a debenture issued under this Act in renewal of such a debenture, and the interest payable thereon shall be deemed to be secured by a mortgage of a proportion of all the taxes which may be levied under this Act in the same manner and to the same extent as if a debenture for the same sum has been issued in the form contained in Schedule C to this Act.]

(*2*) The standing committee shall upon the application of the holder of a stock certificate convert the same into debentures or securities of the loan to which it relates.

[4][(*3*) The corporation may from time to time make, alter or rescind rules prescribing—

(*a*) the amounts for which stock certificates may be issued;

(*b*) the fees to be levied in respect of the issue of stock certificates;

(*c*) the form of keeping a register of the holders of stock;

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[1] Sections 110D to 110H were inserted, by Bom. 13 of 1933, s. 27.

[2] The words "the Provincial Government" were substitted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] Sub-section (*1A*) was inserted by Bom. 32 of 1935, s. 6.

[4] These sub-sections were added by Bom. 5 of 1938, s. 14.

(*d*) the mode in which payment of interest to holders of stock is to be made, recorded and acknowledged ;

(*e*) the form of transfer to be used, the formalities to be observed and the fees to be leved on a transfer of stock ;

(*f*) the circumstances and manner in which duplicate stock certificates may be issued and the fees to be levied or the indemnity to be required on any such issue ;

(*g*) generally the measures to be adopted for carrying out the objects of this section.

(*4*) No rule, or alteration or rescission of a rule, shall have effect until the same shall have been approved by Government, and such approval shall have been published in the *Official Gazette* ; and no rule, or alteration or rescission of a rule, shall be approved by Government until the same shall have been published for three weeks successively in the said Gazette.]

Provisions for loans, etc. raised by the Board of Trustees under Bombay Act IV of 1898 and Bombay Act XVI of 1925.

[1]**110E.** In the case of all loans raised, sinking funds established, debentures or other securities issued and debts incurred by the Board of Trustees for the Improvement of the City of Bombay under and in accordance with the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, before the City of Bombay Municipal (Amendment) Act, 1933, comes into operation the following provisions shall apply—

Bom. IV of 1898. Bom. XVI of 1925.

(*i*) if when such loans were raised the loans were made repayable from sinking funds, the corporation shall establish sinking funds for the repayment of such loans and shall pay into such funds such sums, on such dates as may have been fixed when the loans were raised ;

(*ii*) if when any such loans were raised the loans were made repayable by equal payments of principal and interest or by equal payments of principal the corporation shall make such payments on such dates and in such manner as may have been fixed when the loans were raised ;

(*iii*) the provisions of clause (*f*) of section 109 shall, so far as may be, apply to such loans and the said clause shall be construed as if (*a*) for the word "annual" the words "yearly or half-yearly" were substituted and (*b*) the words "or in such other manner as may be approved by [2][the Provincial Government]" were omitted ;

(*iv*) the provisions of clause (*g*) of section 109 shall, so far as may be, apply to such sinking funds and the said clause shall be construed as if for the words "under this section" the words "under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925," were substituted ;

Bom. IV of 1898. Bom. XVI of 1925.

(*v*) the provisions of clause (*h*) of section 109 (except the proviso) shall, so far as may be, apply and the said clause shall be construed as if after the word "year" the words "or every half year" were inserted and as if the words "second half-yearly" were omitted ;

(*vi*) the provisions of section 109A shall, so far as may be, apply to such sinking funds ;

(*vii*) the provisions of section 110F shall apply to such loans ;

(*viii*) the provisions of section 106 shall, so far as may be, apply, and the said section shall be construed as if for the words "contracted under this Act" the words "or debt contracted or incurred under this Act or by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay

Bom. IV of 1898.

[1] Sections 110D to 110H were inserted by Bom. 13 of 1933, s. 27.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925," were substituted; Bom. XVI of 1925.

(*ix*) all securities and cash held by the Board of Trustees for the Improvement of the City of Bombay in existence when the City of Bombay Municipal (Amendment) Act, 1933, comes into operation in sinking funds established for the repayment of such loans shall be transferred to the corporation and shall be held by them as part of the sinking funds established under clause (*i*);

(*x*) when money is borrowed for the purpose of discharging any loan contracted by the said Board of Trustees for the Improvement of the City of Bombay the time for repayment of the loan so borrowed shall not extend beyond the unexpired portion of the period for which the original loan was sanctioned; and

(*xi*) for the removal of doubts, it is hereby declared that—

(*a*) All loans contracted, sinking funds established and debts incurred by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, and the City of Bombay Improvement Trust Transfer Act, 1925, shall continue to be subject as regards repayment, rate of interest, period, guarantee for fulfilment of liabilities and in all other respects to the same terms and conditions as were fixed by the said Board when such loans, funds, and debts were contracted, established or incurred or as were provided by or under the aforesaid Acts; Bom. IV of 1898. Bom. XVI of 1925.

(*b*) All loans contracted, sinking funds established and debts incurred by the corporation under the provisions of this Act or any Act relating to the municipal government of the City of Bombay prior to the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into force, shall continue to be subject, as regards repayment, rate of interest, period, guarantee for for fulfilment of liabilities and in all other respects, to the same terms and conditions as were fixed when such loans, funds, and debts were contracted, established or incurred or as were provided by or under the provisions of the aforesaid Acts prior to the date mentioned above:

Provided that nothing contained in clauses (*a*) and (*b*) above shall affect any express provision of the City of Bombay Municipal (Amendment) Act, 1933, relating to such loans, funds and debts.

Procedure in event of default by corporation in payment of interest or investment of sinking fund charges.

[1]**110F.** (*1*) If the corporation fail—

(*a*) to pay any interest due in respect of any loan taken by the Board of Trustees for the Improvement of the City of Bombay under the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, for the repayment of which the corporation have become liable under section 110E; Bom. IV of 1898. Bom. XVI of 1925.

(*b*) to pay or to set aside and invest any sum required by section 110E or which the said Board were required to pay or set aside and invest under the provisions of the said Acts,

the Accountant General of Bombay shall make such payment or shall set aside and invest such sum as ought to have been set aside and invested under the said provision or Acts; and the Commissioner shall forthwith pay from the municipal fund to the said Accountant General a sum equivalent to the sum so paid or invested by him; and if the amount is not so paid [2][the Provincial Government] may attach the rents and other income of the corporation sufficient to pay the said sum and thereupon

[1] Sections 110D to 110H were inserted by Bom. 13 of 1933, s. 27.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

the provisions of sub-sections (*2*) and (*3*) of section 99 shall with all necessary modifications be deemed to apply.

(*2*) The corporation may, with the previous sanction of [1][the Provincial Government], levy any such special tax as may be sufficient to repay to the municipal fund the amount paid by the Commissioner as aforesaid. Such special tax shall be in addition to any of the taxes from time to time leviable under this Act :

[2][Provided that nothing in this sub-section shall authorize the levying of any tax which could not be imposed in the Province by the Provincial Legislature under the Government of India Act, 1935].

Procedure in case of default by Commissioner.

[3]**110G.** If the Commissioner fails to make the payment as required by section 110F [1][the Provincial Government] may attach the municipal fund or any tax leviable by the corporation or any special tax leviable under sub-section (*2*) of section 110F sufficient so far as can be estimated to cover such payment and thereupon the provisions of sub-sections (*2*) and (*3*) of section 99 shall with all modifications be deemed to apply :

Provided that before [1][the Provincial Government] attaches a special tax leviable under sub-section (*2*) of section 110F, [1][the Provincial Government] may require the corporation to levy the said tax.

Certain sums to be a charge upon the property of the corporation.

[3]**110H.** All moneys payable under sub-section (*1*) of section 110F and levied under section 110G shall constitute a charge upon the property of the corporation.

CHAPTER VII.

Revenue and Expenditure.

The Municipal Fund.

Constitution of the municipal fund.

111. [4][Subject to the provisions of sections 120, 120A and 460Z] all moneys received by or on behalf of the corporation under the provisions of this Act or of any other enactment at the time in force, or under any contract,

all proceeds of the disposal of property by, or on behalf of, the corporation,

all rents accruing from any property of the corporation,

all moneys raised by any tax, levied for the purposes of this Act,

all fees and fines payable and levied under this Act or under any rule, regulation or by-law in force thereunder [5][other than fines imposed by a court],

[6][the balance, after all necessary contingent expenses have been defrayed, of all fees] for licences for public conveyances granted by the Police Commissioner under [7][the Bombay Public Conveyances Act, 1920.]

Bom. VII of 1920.

[8][the balance, after all necessary contingent expenses have been defrayed, of all fees for licences for the playing of music in streets and public places granted under paragraph (*ii*) of clause (*f*) of section 22 of the City of Bombay Police Act, 1902,]

Bom. IV of 1902.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This proviso was substituted for the original proviso, *ibid.*

[3] Sections 110D to 110H were inserted by Bom. 13 of 1933, s. 27.

[4] This portion was inserted by Bom. 48 of 1948, s. 21.

[5] These words were inserted by the Adaptation of Indian Laws Order in Council.

[6] These words were substituted for the words "all fees" by Bom. 3 of 1907, s. 16 (*a*).

[7] These words and figures were substituted for the original by Bom. 76 of 1948, s. 15.

[8] This clause was inserted by Bom. 3 of 1907, s. 16 (*b*).

[1]* * * * * * *

all moneys received by or on behalf of the corporation [2][from any Government] or private individuals by way of grant or gift or deposit, and

all interest and profits arising from any investment of, or from any transaction in connection with, any money belonging to the corporation, [3][including loans advanced under section 354W],

shall be credited to a fund, which shall be called "the municipal fund", and which shall be held by the corporation in trust for the purposes of this Act, subject to the provisions herein contained :

[4]* * * * * *

Commissioner to receive payments on account of the municipal fund and to lodge them in a bank.

112. All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid [5][into the] [6][Bank of Bombay] to the credit of an account, which shall be styled "the account of the municipal fund of the City of Bombay"

How the fund shall be drawn against.

113. [7][(*1*) Subject to the provisions of section 520, no payment shall be made by the Bank aforesaid out of the municipal fund except on a cheque signed by three persons in the manner specified below, namely :—

(*a*) by either the Commissioner or Deputy Commissioner, or in the absence of both, by the Chairman of the standing committee,

(*b*) by one member of the standing committee who shall attend at the Chief Municipal Office for the purpose twice a week, and

(*c*) by either the Chief Accountant or Deputy Accountant, or in the absence of the both, by the Chairman of the standing committee :

Provided that the Chairman of the standing committee shall not have any authority to sign a cheque under clause (*a*) if he has already signed it under clause (*c*) and *vice versa*.]

(*2*) Payment of any sum due by the corporation in excess of one hundred rupees shall be made by means of a cheque signed as aforesaid and not in any other way.

(*3*) Payment of any sum due by the corporation, not exceeding one hundred rupees in amount, may be made by the Commissioner in cash, cheques for sums not in excess of one thousand rupees each, signed as aforesaid, being drawn from time to time to cover such payments.

Deposit of portion of the municipal fund may be made with bank or agency out of Bombay when convenient.

114. Notwithstanding anything contained in the two last preceding sections, the Commissioner may, with the [8][previous] approval of the standing committee, from time to time, remit any portion of the municipal fund to a bank or other agency at any place beyond the city at which it may be desirable for the corporation to have funds in deposit, and any money payable to the credit of the municipal

[1] The words, figures, letter and brackets "the balance, after all expenses referred to in sub-section (*3*) of section 513A have been defrayed, of all fines levied by any magistrate in respect of any offence against the provisions of this Act, or of any regulation or by-law made under this Act," were omitted by the Adaptation of Indian Laws Order in Council.

[2] The words "from any Government" were substituted for the words "from Government," *ibid.*

[3] These words, figures and letter were inserted by Bom. 13 of 1983, s. 28.

[4] The proviso was deleted by Bom. 48 of 1948, s. 21.

[5] These words were substituted for the original words by Bom. I of 1894, s. 4 (*2*).

[6] The reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

[7] Sub-section (*1*) was substituted for the original sub-section by Bom. 22 of 1935, s. 7.

[8] The word "previous" was inserted by Bom. 19 of 1930, s. 9.

fund or chargeable thereagainst, which can, in the opinion of the Commissioner, be most conveniently paid into or out of the account of the corporation at any such bank or agency, may be so paid.

115. (*1*) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or section 134 : Only sums covered by a budget grant to be expended from the municipal fund.

(*2*) Provided that the following items shall be excepted from this prohibition, namely :— Exceptions.

(*a*) sums of which the expenditure has been sanctioned by the standing committee under section 132 ;

(*b*) temporary payments under section 119 for works urgently required in the public service ;

(*c*) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make ;

(*d*) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(*e*) sums which the Commissioner is by section 222, sub-section (*3*), 309, sub-section (*2*), 315, sub-section (*2*), 334, sub-section (*2*), 395, sub-section (*2*), 426, sub-section (*2*), 427, sub-section (*4*), 501 and 515, clause (*b*), required or empowered to pay by way of compensation ;

(*f*) sums payable in any of the circumstances mentioned in clause (*f*) of section 118 ;

(*g*) expenses incurred by the Commissioner in the exercise of the powers conferred upon him by section 434 ;

(*h*) costs incurred by the Commissioner under [1][clause (*c*) or (*d*) of sub-section (*3*)] of section 64.

(*3*) In sub-section (*1*), " budget-grant " means a budget-grant within the meaning of that term as defined in section 130 and includes any sum by which such budget-grant may at any time be increased by a transfer under [2][sub-section (*1*)] of section 133.

116. The members of the standing committee [3]* * * * shall not sign any cheque under section 113 without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in sub-section (*2*) of the last preceding section. Drafts on the municipal fund to be checked by members of the standing committee.

117. Whenever any sum is expended by the Commissioner under clause (*e*), (*f*), (*g*) or (*h*) of [4][sub-section (*2*) of] section 115, he shall forthwith communicate the circumstances to the standing committee, who shall take such action under [4][sub-section (*2*) of] section 133 or recommend the corporation to take, under section 131 [4][or under sub-section (*1*) of section 133] such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure. Procedure when money not covered by a budget-grant is expended under clause (*e*), (*f*), (*g*) or (*h*) of section 115.

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[1] This portion was substituted for the original by Bom. 48 of 1948, s. 22.
[2] This was substituted for clause (*b*) by Bom. 5 of 1938, s. 15.
[3] The words " and the municipal secretary " were omitted by Bom. 32 of 1935, s. 8.
[4] This portion was inserted by Bom. 5 of 1938, s. 16.

Purpose for which the municipal fund is to be applied.

118. The moneys from time to time credited to the municipal fund shall be applied in payment of all sums, charges and costs necessary for the purposes specified in sections 61, 62, [1][62D], [2][62E] and 63, or for otherwise carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act, inclusive of—

(*a*) the expenses of every ward-election [3]* * * * held under this Act;

[4][(*b*) sums payable to the Bombay Electric Supply and Transport Fund in repayment of amounts disbursed therefrom for any of the purposes of this Act other than for the purpose of the Bombay Electric Supply and Transport Undertaking and including the expenses of, or reasonable charges for, all supplies provided and services rendered for any such purpose by the General Manager at the charge of the Bombay Electric Supply and Transport Fund;]

(*c*) the salaries, [5][joining time allowances] and other allowances of the Commissioner and of any Deputy Commissioner appointed under this Act [6][and of any officer whose services may, at the request of the corporation, be placed by [7][the Provincial Government] at their disposal];]

(*d*) the salaries and other allowances of all municipal officers and servants and all [8][contributions to provident funds,] pensions, gratuities and compassionate allowances payable under the provisions of this Act or of any schedule or regulations framed under this Act and at the time in force;

(*e*) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation;

[9][(*ee*) the loans advanced in accordance with the provisions of section 354W];

(*f*) every sum payable—

(*i*) under [10][sub-section (*1*) of section 110F], [11][section 513A, and] sub-section (*1*) of section 520 to [7][the Provincial Government];

(*ii*) under a decree or order of a civil or criminal court passed against the corporation or against the Commissioner or a Deputy Commissioner *ex-officio*;

(*iii*) under a compromise of any suit or other legal proceeding or claim effected under section 517.

Municipal fund where to be expended.

[12][**118A.** Expenditure by the corporation out of the municipal fund shall, save as otherwise provided by this Act, be made within the city only, but may, by a resolution of the corporation supported by at least fifty-four councillors, be made outside the city for any of the purposes of this Act.]

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[1] The figures and letter "62D" were inserted by Bom. 3 of 1907, s. 17.
[2] The figures and letter "62E" were inserted by Bom. 12 of 1925, s. 3.
[3] The words "and of every justices' election" were omitted by Bom. 32 of 1935 s. 9.
[4] Clause (*b*) was inserted by Bom. 48 of 1948, s. 23.
[5] These words were inserted by Bom. 5 of 1905, s. 8 (*a*).
[6] These words were added, *ibid.*, s. 8 (*b*).
[7] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
[8] These words were added by Bom. 6 of 1922, s. 30.
[9] The new clause (*ee*) was inserted by Bom. 13 of 1933, s. 29 (*i*).
[10] These words, figures, letter and brackets were inserted, *ibid.*, s. 29 (*ii*).
[11] These words, figures and letter were inserted by Bom. 10 of 1930, s. 3.
[12] New section 118A was inserted by Bom. 10 of 1928, s. 14.

119. (*1*) On the written requisition of a Secretary to [1][the Provincial Government], the Commissioner may at any time undertake the execution of any work certified by such Secretary to be urgently required in the public service, and for this purpose may temporarily make payments from the municipal fund, so far as the same can be made without unduly interfering with the regular working of the municipal administration. The cost of all work so executed and of the establishment engaged in executing the same shall be paid by [1][the Provincial Government] and credited to the municipal fund. Temporary payments from the municipal fund for works urgently required for public service.

(*2*) On receipt of any requisition under sub-section (*1*), the Commissioner shall forthwith forward a copy thereof to the corporation, together with a report of the steps taken by him in pursuance of the same.

[2]* * * * *

[3]* * * *Special Funds.*

[4][**120.** Fines collected under section 83 shall be credited to a separate fund to be called "the Fines Fund", the proceeds of which shall be expended in promoting the well-being of municipal officers and servants other than those appointed under the provisions of Chapter XVI-A of this Act, and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the corporation may from time to time determine.] Constitution of Fines Fund.

[4][**120A.** Amounts transferred to the municipal fund under the provisions of clause (*c*) of sub-secton (*1*) of section 460LL shall be credited to a special fund to be called "the Welfare Fund" and shall be expended in providing such benefits and amenities to municipal officers and servants, including those appointed under the provisions of Chapter XVI-A of this Act, and to such members of their families and their dependants as the corporation may from time to time determine.] Constitution of Welfare Fund.

121. With the [5][previous] approval of the corporation, any [3]* * * portion of the municipal fund may, [3]* * from time to time, be credited to a separate heading in the municipal accounts, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the objects for which a special fund is so created. Special funds may be created with the approval of the corporation.

Disposal of Balances.

[6][**122.** (*1*) Surplus moneys at the credit of the municipal fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the [7]Bank of Bombay or be invested in public securities. Investment of surplus moneys.

(*2*) All such surplus moneys which it is necessary to keep readily available for application to such purposes, and all such surplus moneys which cannot in the opinion of the Municipal Commissioner, concurred in by the standing committee, be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the City of Bombay which the standing committee may, subject to the control of the corporation, from time to time, select for the purpose.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The heading "School-fund" and section 120 were repealed by Bom. 3 of 1907, s. 18.

[3] Portions repealed by Bom. 3 of 1907, s. 19, are omitted.

[4] Sections 120 and 120A were added by Bom. 48 of 1948, s. 24.

[5] The word "previous" was inserted by Bom. 19 of 1930, s. 9.

[6] This section was substituted for the original section 122 by Bom. 1 of 1894, s. 5.

[7] The reference to the Bank of Bombay should be read as referring to the Reserve Bank of India, Bombay.

(*3*) All such deposits and investments shall be made by the Commissioner on behalf of the corporation, with the sanction of the standing committee, and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities; but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by [1][three persons in the manner specified in sub-section (*1*) of section 113, for signing of cheques].

(*4*) The loss, if any, arising from any such deposit or investment shall be debited to the municipal fund.]

Accounts.

Accounts to be kept in forms prescribed by standing committee.

123. [2][Subject to the provisions of Chapter XVI-A of this Act] accounts of the receipts and expenditure of the corporation shall be kept in such manner and in such forms as the standing committee shall from time to time prescribe.

Separate pro forma accounts to be kept by the Commissioner.

[3][**123A.** (*1*) There shall be kept by the Commissioner under a separate heading in the municipal accounts, accounts of all the property vested or vesting in the corporation and of all receipts and expenditure of the corporation on account of the transfer to them of the powers, duties, assets and liabilities of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925. Bom. XVI of 1925.

(*2*) Such accounts shall be maintained so far as may be, in such manner and in such forms as the standing committee shall from time to time prescribe in accordance with the rules contained in Schedule BB.

(*3*) The Commissioner shall publish such accounts in the [4][*Official Gazette*], every [5]* year.]

Preparation of annual administration report and statement of accounts.

124. (*1*) The Commissioner shall, as soon as may be after each first day of April, have prepared a detailed report of the municipal administration of the city [6][other than the administration of the Bombay Electric Supply and Transport Undertaking] during the previous official year, together with a statement showing the amounts of the receipts and disbursement respectively credited and debited to the municipal fund during the said year and the balance at the credit of the fund at the close of the said year.

(*2*) The Commissioner shall incorporate with his said report and statement—

(*a*) a report for the same period from each head of a department subordinate to him;

(*b*) the account of balances due on loans then last published under section 105; and shall cause the same to be printed.

(*3*) After examination and review of the said printed report and statement by the standing committee, there shall be added to the compilation printed copies of such of the appendices attached to the reports of the several heads of departments, if

[1] These words were substituted for the words "the Commissioner and one member of the standing committee and municipal secretary" by Bom. 32 of 1935, s. 10.
[2] This portion was inserted by Bom. 48 of 1948, s. 25.
[3] New section 123A was inserted by Bom. 13 of 1933, s. 30.
[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.
[5] The word "half" was omitted by Bom. 5 of 1938, s. 17.
[6] These words were inserted by Bom. 48 of 1948, s. 26.

any, as the standing committee direct and a printed copy of the standing committee's review; and a copy of the complete compilation shall be forwarded to the usual or last known local place of abode of each councillor at least eight days previous to the ordinary meeting of the corporation in the next following month of October, and copies thereof shall be delivered to any person requiring the same, on payment of such reasonable fee for each copy as the Commissioner, with the [1][previous] approval of the standing committee, shall determine.

Annual Budget Estimate.

Estimates of expenditure and income to be prepared annually by the Commissioner.

[2][125. The Commissioner shall, on or before each tenth day of November, have prepared and lay before the standing committee, in such form as the said committee shall from time to time approve :—

(*1*) (*a*) an estimate of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year, other than expenditure to be incurred by reason of the obligations imposed upon the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, [3][and other than expenditure to be incurred on account of the Bombay Electric Supply and Transport Undertaking] ;

Bom. XVI of 1925.

(*b*) an estimate of all balances, if any, (other than balances shown in the account maintained under section 123A) which will be avilable for reappropriation or expenditure at the commencement of the next ensuing official year ;

(*c*) an estimate of the corporation's receipts and income for the next ensuing official year other than from taxation [4][and from the Bombay Electric Supply and Transport Undertaking] and other than that referred to in clause (*c*) of sub-section (*2*) ;

[5][(*cc*) an estimate of the amounts due to be transferred during the next ensuing official year to the municipal fund under the provisions of sections 460KK and 460LL ;]

(*d*) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next ensuing official year ;

(*2*) (*a*) an estimate of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year by reason of the obligations imposed upon the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 ;

Bom. XVI of 1925.

(*b*) an estimate of all balances, if any, in the account maintained under section 123A, which will be available for reappropriation or expenditure at the commencement of the next ensuing official year ;

(*c*) an estimate of the corporation's receipts and income for the next ensuing official year—

(*i*) arising from sales, leases and other dispositions of immovable property vesting in the corporation by reason of the enactment of the City of Bombay Municipal (Amendment) Act, 1933, and

[1] The word "previous" was inserted by Bom. 19 of 1930, s. 9.
[2] Section 125 was substituted for the original section by Bom. 13 of 1933, s. 31.
[3] These words were added by Bom. 48 of 1948, s. 27.
[4] These words were inserted, *ibid.*
[5] This clause was inserted, *ibid.*

(*ii*) being payments of interest on and repayments in whole or part of the capital of loans granted by the corporation and secured on the aforesaid immoveable property;

(*d*) an estimate of three times the amount of the net estimated realisations of the corporation in the then current financial year under the head of general tax (including arrears and payments in advance) divided by the rate fixed for general tax for the then current financial year;

[1][Provided that as respects the estimates for the [2][twelve] financial years commencing from the financial year 1942-43, this sub-clause shall have effect as if for the words 'three times' the word 'twice' were substituted.]

(*e*) an estimate of all sums received from taxation other than taxation under this Act and appropriated by the corporation to meet expenditure to be incurred by reason of the obligations imposed upon the corporation arising out of the transfer to the corporation of the powers, duties, assets and liabilities of the said Board of Trustees.

Classification of budget heads.

[3][**125A.** The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units.

(*a*) "Major head" means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divided into two or more minor heads.

(*b*) "Minor head" means the head of accounts immediately subordinate to a major head under which each major head is classified, and may be further subdivided into two or more subordinate heads.

(*c*) "Subordinate head" means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further subdivided into two or more primary units.

(*d*) "primary unit" means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.]

Budget estimates to be prepared by the standing committee.

[4][**126.** (*1*) The standing committee shall, on or as soon as may be after each tenth day of November, consider the estimates and proposals of the Commissioner and after having obtained from the Commissioner such further detailed information, if any, as they shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as they shall think fit, two budget estimates as follows:—

(*a*) "Budget estimate 'A'"—of the income and expenditure other than income and expenditure to be received or incurred by reason of the transfer to the corporation of the powers, duties, assets and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925 [5][and other than income and expenditure in respect of the Bombay Electric Supply and Transport Undertaking], and Bom. XVI of 1925.

(*b*) "Budget estimate 'B'"—of the income and expenditure of the corporation for the next official year to be received and incurred by reason of the transfer to the corporation of the said powers, duties, assets and liabilities.

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[1] This proviso was added by Bom. 3 of 1948, s. 3.
[2] This word was substituted for the original by Bom. 76 of 1948, s. 16.
[3] This section was inserted by Bom. 5 of 1938, s. 18.
[4] Section 126 was substituted for the original section by Bom. 13 of 1933, s. 32.
[5] These words were inserted by Bom. 48 of 1948, s. 28.

(2) In budget estimate "A" the standing committee shall—

(a) propose with reference to the provisions of Chapter VIII, the levy of municipal taxes at such rates and, in the case of town duties on such articles, as they shall think fit;

(b) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the corporation may be liable under this Act other than sums and instalments as aforesaid (i) for which he corporation but for the enactment of the City of Bombay Municipal (Amendment) Act, 1933, would not have been liable and (ii) for which the corporation may be liable in carrying out the duties imposed upon them by clause (r) of section 61 [1][and (iii) for which the corporation may be liable by reason of the acquisition, extension, administration, operation and maintenance of the Bombay Electric Supply and Transport Undertaking;]

Bom. XIII of 1933.

(c) allow for an appropriation to budget estimate "B" of the sum estimated, revised as they shall think proper, under clause (d) of sub-section (2) of section 125;

(d) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

(3) In budget estimate 'B' the standing committee shall, if necessary, make proposals to meet any deficit in such budget estimate by borrowing:

Provided that the standing committee shall not make any proposal to borrow for that purpose a sum of more than twenty lakhs of rupees.

(4) The Commissioner shall cause the budget estimates, as finally approved by the standing committee, to be printed and shall, not later than the fifteenth day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor.

[2][**126A.** The General Manager shall, on or before each tenth day of October, have prepared and lay before the Bombay Electric Supply and Transport Committee, in such form as the Committee shall from time to time approve—

Estimates of expenditure and income of the Bombay Electric Supply and Transport Undertaking to be prepared annually by General Manager.

(a) an estimate, classified in accordance with section 125A, of the expenditure which must or should, in his opinion, be incurred by the corporation in the next ensuing official year on account of the Bombay Electric Supply and Transport Undertaking;

(b) an estimate of all balances, if any, which will be available for re-appropriation or expenditure at the commencement of the next ensuing official year, and an estimate of the amounts to be transferred to the municipal fund during the next ensuing financial year under sections 460KK and 460LL; and

(c) an estimate of the corporation's receipts and income from the Bombay Electric Supply and Transport Undertaking for the next ensuing official year.]

[2][**126B.** (1) The Bombay Electric Supply and Transport Committee shall, on or as soon as may be after each tenth day of October, consider the estimates of the General Manager and, after having obtained from the General Manager such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Act, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate, to be called 'budget estimate "C",' of the income and expenditure for the next official year to be received and incurred in respect of the Bombay Electric Supply and Transport Undertaking.

Budget estimate C to be prepared by Bombay Electric Supply and Transport Committee.

[1] This portion was added by Bom. 48 of 1948, s. 28.
[2] Sections 126A and 126B were inserted, *ibid.*, s. 29.

(*2*) In budget estimate 'C' the committee shall—

(*a*) provide for the payment, as they fall due, of all sums and of all instalments of principal and interest for which the corporation may be liable under this Act by reason of the acquisition, extension, administration, operation and maintenance of the Bombay Electric Supply and Transport Undertaking;

(*b*) allow for the amounts to be transferred during the next ensuing official year to the municipal fund as provided in sections 460KK and 460LL; and

(*c*) allow for a cash balance at the end of the said year of not less than one lakh of rupees.

(*3*) The General Manager shall lay budget estimate 'C' as framed by the Bombay Electric Supply and Transport Committee before the standing committee on or before each first day of December and the standing committee shall prepare a report to the corporation thereon, incorporating the remarks and recommendations, if any, of the standing committee.

(*4*) The Municipal Secretary shall cause budget estimate 'C' and the report of the standing committee thereon to be printed and shall, not later than the 31st day of December, forward a printed copy thereof to the usual or last known local place of abode of each councillor.]

Consideration of budget-estimates by corporation.

127. At a meeting of the corporation which shall be called for some day in January, not later than the tenth, the [1][budget-estimates] [2][A and B] prepared by the standing committee [3][and budget-estimate 'C' prepared by the Bombay Electric Supply and Transport Committee with the report of the standing committee thereon] shall be laid before the corporation and they shall proceed to consider the same.

Fixing of rates of taxes.

128. (*1*) The corporation shall, on or before the thirty-first day of January after considering the standing committee's proposals in this behalf, determine, subject to the limitations and conditions prescribed in Chapter VIII, the rates at which municipal taxes shall be levied and the articles on which town-duties shall be levied in the next ensuing official year.

(*2*) Except under sections 134 and 196, the rate so fixed and the article so appointed shall not be subsequently altered for the year for which they have been fixed.

Final adoption of budget estimate.

[4][**129.** Subject to the requirements of sub-section (*1*) of section 128 the corporation may refer budget-estimate 'A' or budget-estimate 'B' or both back to the standing committee and budget-estimate 'C' back to the Bombay Electric Supply and Transport Committee for further consideration, or adopt the budget estimates or any revised budget estimates submitted to them as they stand or subject to such alteration as they deem expedient:

Provided that the budget estimates finally adopted by the corporation shall fully provide for each of the matters specified in clauses (*b*), (*c*) and (*d*) of sub-section (*2*) of section 126 and for each of the matters specified in sub-section (*2*) of section 126B, as the case may be.]

Budget-grant defined.

[5][**130.** The total sum entered under a major head on the expenditure side, which has been adopted by the corporation shall be termed a "budget-grant".]

[1] These words were substituted for the original by Bom. 13 of 1933, s. 33.
[2] The letters and word "A and B" were inserted by Bom. 48 of 1948, s. 30.
[3] These words were inserted, *ibid.*
[4] This section was substituted for the original, *ibid.*, s. 31.
[5] This section was substituted for the original by Bom. 5 of 1938, s. 19.

131. [1][(*1*) On the recommendation of the standing committee in the case of expenditure from the municipal fund, and of the Bombay Electric Supply and Transport Committee in the case of expenditure from the Bombay Electric Supply and Transport Fund, the corporation may from time to time during an official year increase the amount of any budget grant, or make an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year shall be reduced below one lakh of rupees in the case of either the municipal fund or the Bombay Electric Supply and Transport Fund.] Corporation may increase amount of budget-grants and make additional grants.

(*2*) Such increased or additional budget grants shall be deemed to be included in the [2][budget-estimates] adopted by the corporation for the year in which they are made.

132. [3][If the whole budget grant or any portion thereof] remains unexpended at the close of the year in the [2][budget estimates] for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the municipal fund [4][or the Bombay Electric Supply and Transport Fund, as the case may be], entered in the [2][budget-estimates] of [5][any of the next two following years], the standing committee [4][or the Bombay Electric Supply and Transport Committee, as the case may be], may sanction the [3][expenditure of such budget grant or such unexpended portion thereof, as the case may be, during the next two following years] for the completion, according to the original intention or sanction, of the purpose or object for which the budget grant was made, but not upon any other purpose or object. Rules as to unexpended budget-grants.

[6][**133.** (*1*) Subject to the provisions of sub-section (*1*) of section 131, the corporation may on the recommendation of the standing committee from time to time during an official year sanction the transfer of any amount from one budget grant to another. Reductions or transfe -

(*2*) The standing committee may at any time during an official year—

(*a*) reduce the amount of a budget grant;

(*b*) sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head; or

(*c*) sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

(*3*) The Commissioner may, at any time during an official year, sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another, if such transfer does not involve a recurring liability:

Provided that every transfer of an amount exceeding rupees five hundred made under sub-section (*3*) shall be reported forthwith by the Commissioner to the standing committee and that the said committee may pass with regard thereto such order as they may think fit; and it shall be incumbent on the Commissioner to give effect to such order.

(*4*) When making any transfer under sub-sections (*1*), (*2*) and (*3*), due regard shall be had to all the requirements of this Act.

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[1] This sub-section was substituted for the original by Bom. 48 of 1948, s. 32.
[2] The words "budget-estimates" were substituted for the original by Bom. 13 of 1933, s. 33.
[3] These words were subtituted for the original by Bom. 76 of 1948, s. 17.
[4] These words were inserted by Bom. 48 of 1948, s. 33.
[5] These words were substituted for the original by Bom. 76 of 1948, s. 17.
[6] This section was substituted for the original by Bom. 5 of 1938, s. 20.

(5) If any such reduction as is referred to in clause (*a*) of sub-section (2) is of an amount exceeding five hundred rupees, the corporation may pass with regard thereto such order as they may think fit, and it shall be incumbent on the standing committee and the Commissioner to give effect to such order.

[1][(6) For the purpose of expenditure from the Bombay Electric Supply and Transport Fund, the provisions of this section shall apply as if for the words 'standing committee' the words 'Bombay Electric Supply and Transport Committee' and for the word 'Commissioner' the words 'General Manager' had been substituted.]

Re-adjustment of income and expenditure to be made by the corporation during course of official year whenever necessary.

[2]**134.** (*1*) If it shall at any time during any official year appear to the corporation, upon the representation of the standing committee or the Bombay Electric Supply and Transport Committee that, notwithstanding any reduction of budget grants that may have been made by the appropriate committee under section 133, the income of the municipal fund or the Bombay Electric Supply and Transport Fund, as the case may be, during the said year will not suffice to meet the expenditure sanctioned in the budget estimates of the said year as so reduced and to leave at the close of the year a cash balance of not less than one lakh of rupees in the case of either the municipal fund or the Bombay Electric Supply and Transport Fund, it shall be incumbent on the corporation to sanction forthwith any measure which shall be necessary for proportioning the year's income to the expenditure.

(2) For this purpose the corporation may diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to the provisions of this Act or to the obligations pertaining to the Bombay Electric Supply and Transport Undertaking, or have recourse to supplementary taxation or a revision of fares and charges levied in respect of the Bombay Electric Supply and Transport Undertaking, as the case may be.]

Scrutiny and Audit of Accounts.

Weekly scrutiny of accounts by municipal chief auditor and scrutiny of accounts by the standing committee.

[3]**135.** (*1*) The municipal chief auditor shall conduct a weekly examination and audit of the municipal accounts and shall report thereon to the standing committee who shall publish weekly an abstract of the receipts and expenditure of the week last preceding, signed by not less than two members of the said committee and by the municipal chief auditor. The standing committee may also from time to time and for such period as they think fit conduct independently an examination and audit of the municipal accounts.

(2) For these purposes the standing committee and the municipal chief auditor shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the standing committee or the municipal chief auditor any explanation concerning receipts and disbursements which they may call for.]

Duties and powers of the municipal chief auditor.

[3]**136.** The municipal chief auditor in addition to any other duties or powers imposed or conferred upon him under this Act shall perform the duties and may exercise the powers specified in Schedule EE.]

Report by the municipal chief auditor.

[3]**137.** (*1*) The municipal chief auditor shall—

(*a*) report to the standing committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of moneys due to the corporation or in the municipal accounts;

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[1] This sub-section was added by Bom. 48 of 1948, s. 34.
[2] This section was substituted for the original, *ibid.*, s. 35.
[3] Sections 135, 136 and 137 were substituted for the original by Bom. 2 of 1938, s. 7.

(*b*) furnish to the standing committee such information as the said committee shall from time to time require concerning the progress of the audit.

(*2*) The standing committee shall cause to be laid before the corporation every report made by the municipal chief auditor to the standing committee and every statement of the views of the municipal chief auditor on any matter affecting the pursuance and exercise of the duties and powers assigned to him under this Act which the municipal chief auditor may require the standing committee to place before the corporation, together with a report stating what orders have been passed by the standing committee upon such report or statement, and the corporation may take such action in regard to the matters aforesaid as the corporation may deem necessary.

(*3*) As soon as may be after the commencement of each official year the municipal chief auditor shall deliver to the standing committee a report upon the whole of the municipal accounts for the previous official year.

(*4*) The Commissioner shall cause the said report to be printed and forward a printed copy thereof along with the printed copy of the Administration Report and Statement of Accounts which he is required by sub-section (*3*) of section 124 to forward to each councillor.]

Application of sections 135, 136 and 137 to accounts of the Bombay Electric Supply and Transport Fund.

[1][**137A.** Sections 135, 136 and 137 shall apply to the accounts of the Bombay Electric Supply and Transport Fund as if—

(*i*) for the words 'standing committee' wherever they occur the words 'Bombay Electric Supply and Transport Committee' and for the word 'Commissioner' wherever it occurs the words 'General Manager' had been substituted; and

(*ii*) for the words, brackets and figures 'sub-section (*3*) of section 124' in sub-section (*4*) of section 137, the words, brackets, figures and letters 'sub-section (*2*) of section 460NN' had been substituted.]

A special audit may be directed by Provincial Government.

138. [2][(*1*) The Provincial Government may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts, including the accounts of the Bombay Electric Supply and Transport Undertaking, and of reporting thereon to the Provincial Government and the costs of any such audit as determined by the Provincial Government shall be chargeable to the municipal fund or to the Bombay Electric Supply and Transport Fund, as the case may be.]

(*2*) An auditor so appointed may exercise any power which [3][the municipal chief auditor] may exercise.

CHAPTER VIII.

MUNICIPAL TAXATION.

Municipal Taxes defined.

Taxes to be imposed under this Act.

139. For the purposes of this Act, taxations shall be imposed as follows, namely :—

(*1*) property taxes ;

(*2*) a tax on vehicles and animals ;

[4]* * * ; and

(*4*) town-duties.

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[1] This section was inserted by Bom. 48 of 1948, s. 36.

[2] This sub-section was substituted for the original, *ibid.*, s. 37.

[3] These words were substituted for the words "an auditor appointed by the Corporation" by Bom. 2 of 1938, s. 8.

[4] The figure and words repealed by Bom. 7 of 1921, s. 4, are omitted and the repeal shall have effect from 1st April 1920.

Property-taxes.

Property-taxes leviable.

Property-taxes of what to consist and at what rate leviable.

140. The following taxes shall be levied on buildings and lands in the city, and shall be called "property-taxes", namely :—

Water-tax.

(*a*) a water-tax of so many per centum of their rateable value as the corporation shall deem reasonable [1][for] providing a water supply for the city ;

Halalkhor-tax.

(*b*) a halalkhor-tax of so many per centum, not exceeding three, of their rateable value as will, in the opinion of the corporation, suffice to provide for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools and for efficiently maintaining and repairing the municipal drains constructed or used for the reception or conveyance of such matter, subject, however, to the provisos that the minimum amount of such tax to be levied in respect of any one separate holding of land, or of any one building or of any one portion of a building which is let as a separate holding, shall be four annas per month, and that the amount of such tax to be levied in respect of any hotel, club or other large premises may be specially fixed under section 172 ;

General tax.

(*c*) a general tax of not less than eight and not more than [2][twenty-one] per centum of their rateable value, together with not less than one-eight and not more than three-quarters per centum of their rateable value added thereto in order to provide for the expense necessary for fulfilling the duties of the corporation arising under clause (*k*) of section 61 and Chapter XIV.

Water-tax on what premises to be levied.

141. Subject to the provisions of section 169, the water-tax shall be levied only in respect of premises—

(*a*) to which a private water-supply is furnished from, or which are connected by means of communication-pipes with, any municipal water-works ; or

(*b*) which are situated in a portion of the city in which the Commissioner has given public notice that sufficient water is available from municipal water-works for furnishing a reasonable supply to all the premises in the said portion.

Halalkhor-tax on what premises to be levied.

142. (*1*) The halalkhor-tax shall be levied only in respect of premises—

(*a*) situated in any portion of the city in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cesspools, will be undertaken by municipal agency ; or

(*b*) in which wherever situate, there is a privy, water-closet, cesspool, urinal, bathing-place or cooking place connected by a drain with a municipal drain :

(*2*) Provided that the said tax shall not be levied in respect of any premises situated in any portion of the city specified in clause (*a*), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(*3*) If the Commissioner directs, under sub-section (*2*) [3][or (*3*)] of section 248, that a separate water-closet, privy or urinal need not be required for any premises the halalkhor-tax shall nevertheless be levied in respect of the said premises, if but for such directions, the same would be leviable in respect thereof.

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[1] The word "for" was substituted for the words "with reference to the expenses of" by Bom. 21 of 1947, s. 2.

[2] This word was substituted for the word "seventeen" by Bom. 76 of 1948, s. 18.

[3] The word, figure and brackets "or (*3*)" were inserted by Bom. 2 of 1911, s. 5.

143. (*1*) The general tax shall be levied in respect of all buildings and lands in the city except— General tax on what premises to be levied.

[1][(*a*) buildings and lands or portions thereof exclusively occupied for public worship or for charitable purposes ;]

(*b*) buildings and lands vesting in [2][Her Majesty] [3][used solely for public purposes and not used or intended to be used for purposes of profit] or in the corporation, in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the [4][Crown] or, the corporation, respectively.

(*2*) The following buildings [5][and lands or portions thereof] shall not be deemed to be [6]* * * * exclusively occupied for public worship or for charitable purposes within the meaning of clause (*a*), namely—

(*c*) [7][those] in which any trade or business is carried on ; and

(*d*) [7][those] in respect of which rent is derived, whether such rent is or is not applied exclusively to religious or charitable purposes.

[8][(*3*) Where any portion of any building or land is exempt from the general tax by reason of its being exclusively occupied for public worship or for charitable purposes, such portion shall be deemed to be a separate property for the purpose of municipal taxation.]

144. (*1*) The [9][Central Government [10]* * or the Provincial Government, as the case may be,] shall pay to the corporation annually, in lieu of the general tax from which buildings and lands vesting in [2][Her Majesty] are exempted by clause (*b*) of section 143, a sum ascertained in the manner provided in sub-sections (*2*) and (*3*). Payment to be made to the corporation in lieu of the general tax by the Central Government or [10]* * the Provincial Government, as the case may be.

(*2*) The rateable value of the buildings and lands in the city vesting in [2][Her Majesty] and beneficially occupied, in respect of which but for the said exemption, general tax would be leviable from the [9][Central Government [10]* * or the Provincial Government, as the case may be,] shall be fixed by a person from time to time appointed in this behalf by the [11][Provincial Government] with the concurrence of the corporation. The said value shall be fixed by the said person, with a general regard to the provisions hereinafter contained concerning the valuation of property assessable to property-taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in [2][Her Majesty] in the city materially increases or decreases.

(*3*) The sum to be paid annually to the corporation by the [9][Central Government [10]* * or the Provincial Government, as the case may be,] shall be eight-tenths of the amount which would be payable by an ordinary owner of buildings or lands in the city, on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (*2*).

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[1] This clause was substituted for the original by Bom. 2 of 1911, s. 6 (*1*).

[2] The words "Her Majesty" were substituted for the original words by Bom. 4 of 1888, s. 5.

[3] These words were inserted by Bom. 10 of 1928, s. 12.

[4] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[5] These words were inserted by Bom. 2 of 1911, s. 6 (*2*) (*a*).

[6] Portion repealed, *ibid.*, s. 6 (*2*) (*b*), is omitted.

[7] The word "those" was substituted for the word "buildings", *ibid.*, s. 6 (*2*) (*c*).

[8] This sub-section was added, *ibid*, s. 6 (*3*).

[9] The words "Central Government, or the Crown Representative, or the Provincial Government, as the case may be," were substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

[10] The words "or the Crown Representative" were deleted by the India (Adaptation of Existing Indian Laws) Order, 1947.

[11] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Amendment of section 36, Bombay Act VI of 1879.

145. For section 36 of the Bombay Port Trust Act, 1879, the following section shall be substituted, namely— Bom. VI of 1879.

See *Supra*.

Liability for Property-taxes.

Primary responsibility for property-taxes on whom to rest.

146. (*1*) Property-taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed, if such occupier holds the said premises immediately from [1][the Crown] or from the corporation or from a fazendar.

(*2*) Otherwise the said taxes shall be primarily leviable as follows, namely—

(*a*) if the premises are let, from the lessor ;

(*b*) if the premises are sub-let, from the superior lessor ; and

(*c*) if the premises are unlet, from the person in whom the right to let the same vests.

(*3*) But if any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or his legal representative, whether the premises be in the occupation of the said tenant or of his legal representative, or of a sub-tenant.

Apportionment of responsibility for property-tax when the premises assessed are let or sub-let.

147. (*1*) If any premises assessed to any property-tax are let, and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of the last preceding section, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the property-tax levied from him, and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him.

(*2*) If the premises are sub-let and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant or the said sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from such tenant or sub-tenant and the amount of property-tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives and the amount of rent which he pays.

(*3*) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

Person primarily liable for property-tax entitled to credit, if he is a rent-payer.

148. If any person who is primarily liable for the payment of any property-tax himself pays rent to another person other than [1][the Crown] or the corporation in respect of the premises upon which such tax is assessed, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said tax if the amount of the rent payable by him were the rateable value of the said premises.

[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Notice of transfer, etc., of premises assessable to Property-taxes.

149. (*1*) Whenever the title of any person primarily liable for the payment of property-taxes on any premises to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months after execution of the instrument of transfer, or after its registration, if it be registered, or after the transfer is effected, if no instrument be executed, give notice of such transfer, in writing, to the Commissioner.

Notice to be given to the Commissioner of all transfers of title of persons primarily liable to payment of property-tax.

(*2*) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to Commissioner within one year from the death of the deceased.

150. (*1*) The notice to be given under the last preceding section shall be in the form either of Schedule E or Schedule F, as the case may be, and shall state clearly and correctly all the particulars required by the said form.

Form of notice.

(*2*) On receipt of any such notice, the Commissioner may, if he thinks it necessary, require the production of the instrument of transfer, if any, or of a copy thereof obtained under section 57 of the Indian Registration Act, 1877.[1]

III of 1877.

151. (*1*) Every person primarily liable for the payment of a property-tax on any premises who transfers his title to or over such premises without giving notice of such transfer to the Commissioner as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property-taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's books.

Liability for payment of property-taxes to continue in the absence of any notice of transfer.

(*2*) But nothing in this section shall be held to diminish the liability of the transferee for the said property-taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 212, for the recovery of the property-taxes due thereupon.

152. (*1*) When any new building is erected, or when any building is rebuilt or enlarged,

or when any building which has been vacant is reoccupied,

the person primarily liable for the property-taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Commissioner.

Notice to be given to the Commissioner of the erection of a new building, etc.

(*2*) The said period of fifteen days shall be counted from the date of the completion or of the occupation whichever first occurs, of the building which has been newly erected or rebuilt, or of the enlargement, as the case may be, and in the case of a building which has been vacant, from the date of the reoccupation thereof.

153. (*1*) When any building or any portion of a building, which is liable to the payment of a property-tax, is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Commissioner.

Notice to be given to the Commissioner of demolition or removal of a building.

(*2*) Until such notice is given the person aforesaid shall continue liable to pay every such property-tax as he would have been liable to pay in respect of such building if the same, or any portion thereof, had not been demolished or removed:

[2][(*3*) Provided that nothing in this section shall apply in respect of a building or portion of a building which has fallen down or been burnt down.]

[1] See now the Indian Registration Act, 1908 (16 of 1908).

[2] This sub-section was added by Bom. 8 of 1918, s. 3.

Valuation of property assessable to property-taxes.

Rateable value how to be determined.

154. (*1*) In order to fix the rateable value of any building or land assessable to a property-tax, there shall be deducted from the amount of the annual rent for wh ch such land or building might reasonably be expected to let from year to year a sum equal to ten per centum of the said annual rent, and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever.

(*2*) The value of any machinery contained or situate in or upon any building or land shall not be included in the rateable value of such building or land.

Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises.

155. (*1*) To enable him to determine the rateable value of any building or land and the person primarily liable for the payment of any property-tax leviable in respect thereof, the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner prescribes in this behalf, with information or with a written return signed by such owner or occupier—

(*a*) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land; and

(*b*) as to the dimensions of such building or land, or of any portion thereof, and the rent, if any, obtained for such building, or land, or any portion thereof.

(*2*) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(*3*) The Commissioner may also, for the purpose aforesaid, make an inspection of any such building or land.

Assessment-book.

Assessment book what to contain.

156. The Commissioner shall keep a book, to be called "the assessment-book", in which shall be entered every official year—

(*a*) a list of all buildings and lands in the city, distinguishing each, either by name or number, as he shall think fit;

(*b*) the rateable value of each such building and land determined in accordance with the foregoing provisions of this Act;

(*c*) the name of the person primarily liable for the payment of the property-taxes, if any, leviable on each such building or land;

(*d*) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability;

(*e*) when the rates of the property-taxes to be levied for the year have been duly fixed by the corporation and the period fixed by public notice, as hereinafter provided, for the receipt of complaints against the amount of rateable value entered in any portion of the assessment-book has expired, and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment-book is assessed to each of the property-taxes, if any, leviable thereon;

(*f*) if, under section 169 or 170, a charge is made for water supplied to any building or land by measurement or the water-tax or charge for water by measurement is compounded for, or if, under section 172, the halalkhor-tax for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(*g*) such other details, if any, as the Commissioner from time to time thinks fit to direct.

157. (*1*) The assessment-book shall be made in separate books, called "ward assessment-books", one for each of the wards into which the city is for the time being divided under the provisions of section 24; and each ward assessment-book may, if the Commissioner thinks fit, be divided into two or more parts for such purposes and with such several designations as the Commissioner shall determine.

The assessment book to be made separately for each ward and in parts, if necessary.

(*2*) The ward assessment-books and their respective parts, if any, shall collectively constitute the assessment-book.

158. (*1*) When any building or land is let to two or more persons holding in severalty, the Commissioner may, for the purpose of assessing such building or land to the property-taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

Treatment of property which is let to two or more persons in separate occupancies.

(*2*) When the Commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may, subject to any general conditions which may from time to time be prescribed by the standing committee in this behalf, at any time not later than seven days before the first day of any half-year for which an instalment of general-tax will be leviable in respect of the said property, sanction a drawback of one-fifth part of the general-tax so leviable.

Allowance of drawback in such cases.

[1][(*3*) Every person who applies for a drawback under sub-section (*2*) shall furnish to the Commissioner full and correct information regarding the property in respect of which the claim for drawback is made and the several holdings comprised therein in such form and with such particulars as may be required by the Commissioner in accordance with the general conditions prescribed in this behalf by the standing committee.]

159. (*1*) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment-book and in any notice which it may be necessary to serve upon the said person under this Act, "the holder" of such premises, without further description.

Person primarily liable for property-taxes how to be designated, if his name cannot be ascertained.

(*2*) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining who is primarily liable as aforesaid, such person shall himself be liable, until such information is obtained, for all property-taxes leviable on the premises of which he is in occupation.

Occupier liable for property-taxes until he gives information.

160. (*1*) When the entries required by clauses (*a*), (*b*), (*c*) and (*d*) of section 156 have been completed, as far as practicable, in any ward assessment-book, the Commissioner shall give public notice thereof and of the place where the ward assessment-book, or a copy of it, may be inspected.

Public notice to be given when valuation of property in any ward has been completed.

[1] This sub-section was inserted by Bom. 76 of 1948, s. 19.

(*2*) Such public notice shall be given by advertisement in the [1][*Official Gazette*] and in the local newspapers, and also by posting placards in conspicuous places throughout the ward.

Assessment-book to be open to inspection.

161. (*1*) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment-book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect; and to take extracts from any portion of the said book which relates to the said premises.

(*2*) Any person not entitled under sub-section (*1*) to inspect and take extracts from any portion of the assessment-book free of charge shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

Time for filing complaints against valuations to be publicly announced.

162. (*1*) The Commissioner shall, at the time and in the manner prescribed in section 160, give public notice of a day, not being less than fifteen days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment-book will be received in his office.

Special notices to be issued in certain cases.

(*2*) In every case in which any premises have for the first time been entered in the assessment-book as liable to the payment of property rates, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-section (*1*), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

Time and manner of filing complaints against valuation.

163. (*1*) Every complaint against the amount of any rateable value entered in the assessment-book must be made by written application to the Commissioner, which shall be left at his office on or before the day or the latest day fixed in this behalf in the public or special notice aforesaid.

(*2*) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

Notice to complainants of day fixed for investigating their complaints.

164. The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant, of the day, time and place when and whereat his complaint will be investigated.

Hearing of complaint.

165. (*1*) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and, if not, in his absence.

(*2*) For reasonable cause, the Commissioner may from time to time adjourn the investigation.

(*3*) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under section 164, and any necessary amendment shall be made in accordance with such result, in the assessment-book.

[1] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

166. (*1*) When all such complaints, if any, have been disposed of and the entries required by clause (*c*) of section 156 have been completed in the ward assessment-book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values entered in the said book.

Authentication of ward assessment-books when all complaints have been disposed of.

(*2*) Thereupon the said ward assessment-book subject to such alterations as may thereafter be made therein under the provisions of the next following section, shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land in the ward in the official year to which the book relates.

167. (*1*) The Commissioner may, upon the representation of any person concerned, or upon any other information, at any time during the official year to which an assessment-book relates amend the same by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted or by striking out the name of any person not liable for the payment of any property-tax, or by increasing or reducing the amount of any rateable value and of the assessment based thereupon, or by making or cancelling an entry exempting any premises from liability to any property-tax.

Assessment-book may be amended by the Commissioner during the official year.

(*2*) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current official year when the circumstances justifying the amendment existed.

168. (*1*) It shall not be necessary to prepare a new assessment-book every official year. Subject to the provisions of sub-section (*3*), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new year.

New assessment-book need not be prepared every official year.

(*2*) But public notice shall be given, in accordance with sections 160 and 162 every year and the provisions of the said sections and of sections 163 to 167, both inclusive, shall be applicable each year.

(*3*) A new assessment-book shall be prepared at the least once in every four years.

Special provisions concerning the Water and Halalkhor Taxes.

169. (*1*) The Commissioner may—

(*a*) in such cases as the standing committee shall either generally or specially direct, instead of levying the water-tax in respect of any premises liable thereto under section 141, charge for the water supplied to such premises by measurement at such rate as shall from time to time be prescribed by the said committee in this behalf;

A charge by measurement or a periodical lump payment may be substituted for the water-tax.

(*b*) [1][in such cases as the standing committee shall either generally or specially approve], compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum in lieu of the water-tax or charge by measurement which would otherwise be leviable from such person in respect of the said premises.

[1] These words were substituted for the words "with the approval of the standing committee" by Bom. 19 of 1930, s. 11 (*a*).

(*2*) The standing committee may, for the cases in which the Commissioner charges for water by measurement under clause (*a*), from time to time prescribe such conditions as they shall think fit as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and [1][for the cases] in which a composition is made under clause (*b*), the said committee may prescribe such conditions as to the use of the water as they shall think fit: Provided that no condition prescribed under this sub-section shall be inconsistent with this Act or with any by-law made under this Act.

(*3*) A person who is charged for water by measurement or who has compounded for a fixed periodical sum shall not be liable for payment of the water-tax, but any sum payable by him on account of water and not paid when it becomes due shall be recoverable by the Commissioner as if it were an arrear of water-tax.

Crown and the Port Trust to be charged for water by measurement.

170. If, in respect of any premises, water-tax would be leviable under this Act from the [2][Crown] or from the Trustees of the Port of Bombay, the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be prescribed by the standing committee in this behalf, not exceeding, in the case of the [2][Crown], the minimum rate, and, in the case of the said Trustees, the maximum rate, at the time being charged under clause (*a*) of section 169 to any other person; and such charge shall be re-coverable as provided in sub-section (*3*) of the said section.

Supply of water at public drinking fountains, etc., not to be taxed.

171. No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking fountain, tank, reservoir, cistern, pump, well, duct, standpipe or other work, used for the gratuitous supply of water to the inhabitants of the city and vesting in the corporation: Provided that the use of water in or from any such work shall be limited as prescribed in sub-section (*3*) of section 269.

Halalkhor-tax may be fixed at special rates in certain cases.

172. (*1*) The Commissioner may, whenever he thinks fit, fix the halalkhor-tax to be paid in respect of any hotel, club or other large premises at such special rate as shall be approved by the standing committee in this behalf, either generally or in any particular case, whether the service in respect of which such tax is leviable be performed by halalkhors or by substituted means or appliances.

(*2*) In the case of premises in respect of which the halalkhor-tax is payable by the [2][Crown] or by the Trustees of the Port of Bombay, the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(*3*) In any such case the amount of the halalkhor-tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal, by the agency of municipal halalkhors, of excrementitious and polluted matter from the premises.

Water-tax or halalkhor-tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.

173. (*1*) Any person who has paid to the Commissioner any water-tax or halalkhor-tax in respect of any premises shall, if he was not himself in occupation of the said premises during the period for which he has made such payment, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(*2*) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is entitled to receive the same.

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[1] These words were substituted for the words "in each case" by Bom. 19 of 1939, s. 11 (*b*).

[2] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

Refund of Property taxes for vacancies.

174. When any building or land, or any portion of any premises which the Commissioner has treated under section 158 as a separate property, has been vacant for not less than thirty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained, refund the amount of the water-tax and halalkhor-tax, if any, paid for the number of days that such vacancy lasted. Refund of water and halalkhor-taxes when and to what extent obtainable.

175. When any building or land, or any portion of any premises which the Commissioner has treated under section 158 as a separate property, has been vacant for not less than sixty consecutive days, the Commissioner shall, subject to the provisions hereinafter contained refund two-thirds of the amount of the general tax, if any, paid for the number of days that such vacancy lasted. Refund of general tax when and to what extent obtainable.

176. (*1*) No refund of any property tax shall be claimable from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner. Refund not claimable unless notice of vacancy is given to the Commissioner.

(*2*) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice.

(*3*) When a vacancy continues from one half year in respect of which property taxes are, under section 197, recoverable, into the next following half year, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following half year.

177. No refund of water tax shall be claimable except from such time as a written application shall have been made to the Commissioner to stop the water-supply to the vacant premises. Refund of water-tax inadmissible unless application for stopping water-supply has been made.

178. No refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under sub-section (*2*) of section 158. Refund of general tax inadmissible when drawback has been sanctioned.

179. It shall be in the discretion of the Commissioner to disallow any claim for refund of any property-tax unless application therefor is made to him in writing within thirty days after the expiry of the half-year to which the claim relates accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed. Applications for refund when and how to be made.

Tax on Vehicles and Animals.

180. Except as hereinafter provided, a tax at rates not exceeding those specified in Schedule G shall be levied on all vehicles and on all animals of the descriptions specified in the said schedule which are kept within the city. Tax on what vehicles and animals to be levied.

181. [1][(*1*)] The said tax shall not be leviable in respect of— Exemptions from the tax.

(*a*) any vehicle or animal certified by the Commissioner or the Police Commissioner, as the case may be, to be employed by the owner thereof for municipal or police purposes;

(*b*) gun-carriages, ordnance-carts or wagons, and artillery and cavalry horses;

[1] Section 181 was renumbered as sub-section (*1*) by Bom. 8 of 1942, s. 2 (*1*), read wth Bom. 8 of 1948, s. 3.

(c) any horse which any person, exempted by an order issued under section 3 of the Municipal Taxation Act, 1881, from the operation of any municipal tax on horses, is bound by the regulations of the service to which he belongs to keep ; XI of 1881.

[1][(d) any vehicle or animal exempted from municipal taxation under section 16 of the Indian Territorial Force Act, 1920, or section 34 of the Auxiliary Force Act, 1920] ; XLVIII of 1920. XLIX of 1920.

[2] [(e) vehicles and animals vesting in His Majesty for purposes of the Central Government ;

(e-1) vehicles and animals, other than those specified in clause (e), vesting in His Majesty and used solely for public purposes and not used or intended to be used for purposes of profit ;

(e-2) vehicles and animals belonging to the Corporation ;]

[3]* * * * * * * *

(g) vehicles kept by *bona fide* dealers in vehicles for sale merely, and not used ;

[4][Provided that a tax at the rate of rupees thirty shall be levied quarterly in advance from every dealer in motor vehicles for every seven motor vehicles in respect of which a Trade Certificate is issued to him under rules made under the Motor Vehicles Act, 1939] ; IV of 1939.

(h) trucks used exclusively on a wharf or in or upon any premises appertaining to a factory, workshop, warehouse or railway ;

(i) hand-barrows having one wheel only, [5][bicycles, tricycles, other than motor bicycles and tricycles] and children's perambulators ;

[6][(2) If any question arises under clause (e-1) of sub-section (1) whether any vehicle or animal belonging to His Majesty is or is not used solely for public purposes or is or is not used or intended to be used for purposes of profit, such question shall be determined by the Provincial Government, whose decision shall be final.]

Persons responsible for the payment of the tax.

[7][**182.** (1) The said tax shall be leviable from the owner of or person having possession or control of any vehicle or animal in respect of which the said tax is leviable :

[8][Provided that in the case of an animal generally used or employed in drawing any vehicle the tax in respect of such animal shall be leviable from the owner of, or person having possession or control of, such vehicle, whether or not such animal is owned by such owner or person.]

(2) For the purpose of this section, the person in whose name a motor vehicle is for the time being registered under the Motor Vehicles Act, 1939, shall, until the contrary is proved, be presumed to be the owner or person in possession or control of such motor vehicle.] IV of 1939.

183. [*Vehicles under repair, or standing at carriage-maker's, exempt.*] *Repealed by Bom. 8 of 1942, s. 4, read with Bom. 8 of 1948, s. 3.*

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[1] This Clause was substituted for the original By Bom. 8 of 1942, s. 2(1) (i) read with Bom. 8 of 1948, s. 3.

[2] Clauses (e), (e1) and (e2) were substituted for clause (e), *ibid.*, s. 2 (1) (ii).

[3] Clause (f) was deleted by Bom. 48 of 1948, s. 38.

[4] This proviso was added by Bom. 8 of 1942, s. 2 (1) (iii) read with Bom. 8 of 1948, s. 3.

[5] These words were inserted by Bom. 2 of 1911, s. 7.

[6] This sub-section was inserted by Bom. 8 of 1942, s. 2 (2), read with Bom. 8 of 1948, s. 3.

[7] This section was substituted for the original, *ibid.*, s. 3.

[8] This proviso was added by Bom. 76 of 1948, s. 20.

184. [*Animals unfit for use, and not used, exempt.*] *Repealed by Bom. 8 of 1942, s. 4, read with Bom. 8 of 1948, s. 3.*

185. The Commissioner may, with the approval of the standing committee, compound with any livery-stable-keeper or other person keeping vehicles or horses or bullocks for hire, or with any dealer having stables in which horses are kept for sale on commission or otherwise, for the payment of a lump sum for any period not exceeding one year at a time, in lieu of the taxes [1][leviable under section 180 which such livery-stable-keeper or other person or dealer would otherwise be liable to pay]. Livery-stable-keepers and others may be compounded with.

186. (*1*) The Commissioner shall keep a book, in which shall be entered from time to time— Vehicle and animal tax book to be kept.

(*a*) a list of the persons liable to pay any tax under section 180;

(*b*) a specification of the vehicles and animals in respect of which the said persons are, respectively, liable to the said tax;

(*c*) the amount of tax payable by each such person and the period for which it is payable;

(*d*) the particulars of every composition made under section 185.

(*2*) Any person whose name is entered in the said book, or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from any portion of the said book which relates to such person.

(*3*) Any person not entitled under sub-section (*2*) to inspect and take extracts from any portion of the said book free of charge, shall be permitted to do so on payment of such fee as shall from time to time be prescribed in this behalf by the Commissioner, with the approval of the standing committee.

187. (*1*) In order that the said list may be prepared, the Commissioner may require— Returns may be called for from owners of premises and persons supposed to be liable to the tax.

(*a*) the owner of any premises let to or occupied by more than one person owning or having [2][possession or control] of vehicles and animals to furnish him with a written return, signed by such owner, of the name and address of each of the said persons, and of the animals and vehicles owned by or in [2][the possession or under the control] of each of the said persons kept upon such owner's premises;

(*b*) any person supposed to be liable to the payment of any tax on a vehicle or animal to furnish him with a written return, signed by such person and containing such information concerning the vehicles and animals, if any, owned by or in [2][the possession or under the control] of such person as the Commissioner shall deem necessary.

(*2*) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the Commissioner prescribes in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

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[1] This was substituted for the original by Bom. 8 of 1942, s. 5, read with Bom. 8 of 1948, s. 3.

[2] These words were substituted for the words "the charge", *ibid.*, s. 6.

Notice to be given to Commissioner by a person who becomes owner or possessed of a vehicle or animal in respect of which liability arises, etc.

[1][188. (*1*) Every person who becomes the owner or obtains possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner within fifteen days after he has become the owner or has obtained possession or control of such vehicle or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle or animal, as the case may be.

(*2*) Every person who ceases to own or have possession or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicle or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle or animal until he gives such notice:

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle or animal or affect the prior claim of the Commissioner on such vehicle or animal for the recovery of any tax due in respect thereof.]

Power to inspect stables and summon persons liable to the tax.

189. (*1*) The Commissioner may make an inspection of any stable, [2][garage] or coach house or any place wherein he may have reason to believe that there is any vehicle or animal liable to a tax under this Act.

(*2*) The Commissioner may, by written summons, require the attendance before him of any person whom he has reason to believe to be liable to the payment of a tax in respect of a vehicle or animal, or of any servant of any such person, and may examine such person or servant as to the number and description of vehicles and animals owned by or in [3][the possession or under the control] of such person; and every person so summoned shall be bound to attend before the Commissioner and to give true information, to the best of his knowledge or belief, as to the said matters.

[4]* * * * *

Refund of tax on vehicles and animals when and to what extent obtainable.

[5][190. If the tax leviable on any vehicle or animal in respect of any quarter has been paid and if during such quarter such vehicle or animal ceases to be kept within the city, or is destroyed or is otherwise rendered[6]* unfit for use or if such vehicle has been, under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle or animal shall, subject to the provisions hereinafter contained, and on the Commissioner [7][or any officer authorised by him] being satisfied in this behalf, be entitled to receive from the Commissioner, if the period in such quarter for which such vehicle or animal has not been kept in the city or has not been used, on account of such vehicle or animal being destroyed or rendered [6]*unfit for use or on account of such vehicle being under repairs or such animal being kept in any institution for the reception of infirm or disused animals or such

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[1] This section was substituted for the original, by Bom. 8 of 1942, s. 7 read with Bom. 8 of 1948, s. 3.

[2] This word was inserted, *ibid*, s. 8 (*1*).

[3] These words were substituted for the words "the charge" *ibid.*, s. 8 (*2*).

[4] The heading and sections 190 and 191 repealed by Bom. 7 of 1921, s. 5, is omitted and the repeal shall have effect from 1st April 1920.

[5] Sections 190 and 191 were inserted by Bom. 8 of 1942, s. 9, read with Bom. 8 of 1948, s. 3.

[6] The word "permanently" was deleted by Bom. 8 of 1948, s. 3.

[7] These words were inserted by Bom. 76 of 1948, s. 21.

animal having been certified by a Veterinary Surgeon to have become unfit for use, is

(*a*) not less than eighty days, the full amount of the tax paid,

(*b*) not less than sixty days, two-thirds of the tax paid,

(*c*) not less than thirty days, one-third of the tax paid.

No refund of the tax shall be granted if such period is less than thirty days.]

[1]**191.** (*1*) No refund of the tax shall be claimable from the Commissioner under section 190 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent. Refund not claimable unless notice is given to the Commissioner.

(*2*) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period of eighty, sixty and thirty days referred to in section 190, for the purposes of granting any refund.

(*3*) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claimimg such refund is made to him in writing before the expiry of 15 days after the end of the quarter to which the claim relates and is accompanied by the bill presented to the applicant under section 200 for the amount of the tax from which the refund is claimed.]

[2][*Dogs.*

[2]**191A.** (*1*) A tax not exceeding five rupees per annum shall be levied on every dog kept within the city and not under the age of six months. Tax on dogs.

(*2*) Every person who owns or is in charge of any dog on which a tax is leviable under sub-section (*1*) shall be liable for such tax.

(*3*) (*a*) Every person who owns or is in charge of any dog shall, before the first day of May in each official year, forward to the Commissioner a return signed by him containing information regarding the age of such dog and his name and address.

(*b*) Every person who after the first day of May in any official year becomes the owner or takes charge of any dog shall, within one week from the date on which he becomes the owner or takes charge of the dog, forward to the Commissioner a like return, signed by him.

(*4*) The tax shall be payable for every official year in advance on the first day of May:

Provided that—

(*i*) in respect of a dog which attains the age of six months after the first day of May, the tax shall be payable immediately after the expiry of one week from the day on which the dog attains such age, and

(*ii*) in cases in which a person becomes the owner or takes charge of any dog, not under the age of six months, after the first day of May, the tax shall be payable immediately after the expiry of one week from the day on which he becomes the owner or takes charge of such dog:

Provided further that the tax shall not be payable more than once for the same official year in respect of any dog.

(*5*) The Commissioner shall maintain a register showing the persons liable to pay the tax under this section.

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[1] Sections 190 and 191 were inserted by Bom. 8 of 1942, s. 9, read with Bom. 8 of 1948, s. 3.

[2] This heading and Sections 191A to 191D were inserted by Bom. 2 of 1943, s. 3, read with Bom. 8 of 1948, s. 2.

Licence and number-ticket for and disposal of dogs.

[1]191B. (1) When the owner or person in charge of any dog has paid the tax leviable on such dog, the Commissioner shall—

(a) grant him a licence to keep such dog during the official year for which the tax has been paid ; and

(b) provide him with a number-ticket, the number of which shall be specified in the licence.

(2) The owner or person in charge of any dog so licensed shall at all times cause the said number-ticket to be kept attached to the collar or otherwise suspended from the neck of the dog.

(3) Any dog which has no number-ticket so attached or suspended—

(i) shall be presumed to be a dog in respect of which no licence has been granted, and

(ii) may be seized by the police or by any officer duly authorised by the Commissioner in this behalf, and detained until the tax due, if any, has been paid.

(4) If any person, within three days from the date of such seizure, satisfies the Commissioner that he is the owner or person in charge of such dog, the Commissioner shall order it to be delivered to such person on payment of the tax, if any due, and the costs incurred by the Commissioner by reason of its detention.

(5) If, within the said three days, no person satisfies the Commissioner that he is the owner or person in charge of the dog and pays the said tax and costs, the Commissioner may cause the dog either—

(a) to be destroyed, or

(b) to be sold and the proceeds of the sale, after deducting therefrom the said tax and costs (together with the costs of sale) to be paid to any person who within six months from the date of such sale, establishes to the satisfaction of the Commissioner his claim to such proceeds.

Protection of persons acting in good faith.

[1]191C. No suit, prosecution or other legal proceeding shall be instituted against any person in respect of any act done in good faith in pursuance of the provisions of sub-sections (3), (4) and (5) of section 191B.

Certain sections not to apply.

[1]191D. Nothing contained in sections 180 to 182, 185 to 188, 190, 191, 198 and the second sentence of sub-section (2) of section 200 shall apply in respect of the tax leviable under section 191A].

Town-duties.

Town-duties at what rates and on what articles leviable.

192. (1) Except as hereinafter provided, duties, at rates not exceeding those respectively specified in Schedule H shall be levied in respect of the several articles mentioned in the said Schedule or of so many of them as the corporation shall from year to year, in accordance with section 128, determine when the said articles are imported from any place into the city.

(2) The said duties shall be called " town duties ".

Table of rates of town-duties to be affixed on certain places.

193. The Commissioner shall cause tables of the town-duties for the time being leviable, specifying the rates at which and the articls on which the same are leviable, to be printed in the English, Gujarati, Marathi and Urdu languages and to be affixed in a conspicuous position at every place at which the said town-duties are levied.

[1] Sections 191A to 191D were inserted by Bom. 2 of 1243, s. 3, read with Bom. 8 of 1948, s. 2.

194. (*1*) No town-duty shall be leviable on any article which at the time of its importation, is certified by an officer empowered [1][by the Government concerned] in this behalf to be the property [2][of the Crown]. Exemption of articles belonging to the Crown from town-duty.

(*2*) If any article on which town-duty is paid isimported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with [3][the Provincial Government] or otherwise for the use of [4][the Crown], the full amount of the duty paid thereon shall be refunded on production, at any time within six months after importation, of a certificate signed by an officer empowered by [5][the Government concerned] in this behalf certifying that the article so imported has become the property of [4][the Crown]. Refund of town-duty on articles which become the property of the Crown after importation.

[6][**194A.** Subject to such rules, not inconsistent with this Act, as the Commissioner, with the approval of the standing committee, shall from time to time frame in this behalf, any article imported into the city for the purpose of immediate exportation may, at the option of the importer, be exempted from the levy of town-duty, if such article is conveyed direct from the place of import to the place of export under such supervision and on payment of such fees therefor as shall be determined in the said rules; provided that no rule framed as aforesaid shall have effect unless and until it is confirmed by [3][the Provincial Government].] Exemption of articles imported for immediate exportation.

195. (*1*) When any article upon which town-duty has been paid shall be exported from the city, the full amount of the duty so paid shall, subject to the provisions hereinafter contained, be refunded. Refund of town-duty on export.

(*2*) Such refunds shall be paid under such rules as the Commissioner, with the approval of the standing committee, shall from time to time frame in this behalf:

(*3*) Provided that—

(*a*) no refund shall be paid on any article, other than timber or flour, not exported within six months, or on any timber not exported within twelve months, from the date of its importation;

(*b*) a refund shall be claimable on all flour exported from the city, without proof of the importation of the same into the city, equal to seventy-five per centum of the amount of the duty at the time being leviable on the grain from which such flour has been prepared;

(*c*) no refund shall be paid unless the same is applied for within one month from the date of exportation;

(*d*) no refund shall be made of any less amount than five rupees;

(*e*) no rule framed by the Commissioner under this section shall have effect unless and until it is confirmed by [3][the Provincial Government].

195A. [*Levy of town-duty on raw cotton.*] *Repealed by Bom. II of 1934, s. 2.*

195B. [*Payment of 4-7ths of gross revenue to Government: Allocation of duty.*] *Repealed by Bom. II of 1934, s. 2.*

[7]**195C.** (*1*) [3][The Provincial Government] shall keep a separate account of all moneys [8][which have been paid to them by the corporation from the town-duty levied on raw cotton under section 195A, now repealed, and allotted to the provision of tenements for the working classes in the City of Bombay, as constituted on the Accounts to be kept: exercise by corporation of option to take over arbitration.

[1] The words "by the Government concerned" were substituted for the words "by Government" by the Adaptation of Indian Laws Order in Council."

[2] The words "of the Crown" were substituted for the words "of Government", *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[4] The words "the Crown" were substituted for the word "Government", *ibid.*

[5] The words "the Government concerned" were substituted for the word "Government" *ibid.*

[6] This section was inserted by Bom. 2 of 1911, s. 8.

[7] Sections 195A, 195B and 195C were inserted by Bom. 20 of 1920, s. 2.

[8] These words, figures and letter were substituted for the original words, letter, figures and brackets by Bom. 2 of 1934, s. 3.

1st day of October 1920] of all loans raised and utilised for the provision of such tenements and of any sinking funds formed for the repayment of such loans : and shall supply the corporation with a copy of the account for each year.

(*2*) The corporation shall have the right, after giving six months' previous notice in writing, to acquire from [1][the Crown] on the 1st day of April 1936, or on the 1st day of April of any subsequent year the right, title and interest of [1][the Crown] in all lands and buildings acquired and all buildings constructed in the City of Bombay constituted as aforesaid, with the aid of such moneys and loans, on indemnifying [1][the Crown] against, all then existing and all future liabilities of [1][the Crown] in respect of such lands and buildings and in respect of such loans.

(*3*) For the purpose of determining the amount of any indemnity in respect of any such loan regard shall be had to any then existing sinking fund formed for the repayment of such loan : the intention being that the corporation shall pay to [2][the Provincial Government] from time to time sufficient moneys—

(*a*) to satisfy all interest on such loan as the same may become payable by [2][the Provincial Government] ; and

(*b*) to make up, after taking into account any such sinking fund, the amount which [2][the Provincial Government] may be liable to repay at the maturity of such loan.

(*4*) For the purpose of enabling the corporation to determine whether such right shall be exercised [2][the Provincial Government] shall at all reasonable times after the 1st day of April 1935 cause inspection of such separate account to be given to the corporation.

(*5*) On the giving of such notice as is referred to in sub-section (*2*) the question as to the amount and form of such indemnity shall stand referred to the sole arbitration of some person to be nominated by the Chief Justice of Bombay who shall be assisted by two assessors, one to be nominated by [2][the Provincial Government] and one by the corporation and his decision shall be final.

(*6*) Upon the corporation giving such indemnity the right, title and interest of [1][the Crown] in such lands and buildings shall vest in the corporation.

(*7*)
(*8*) [*Sub-sections* (*7*) *and* (*8*) *were repealed by Bom. II of 1934, s. 2.*]

Definition of loan.

[3][**195D.** Loans raised and utilised for the purpose of repaying (whether directly or indirectly) loans raised and utilised [4]* * * for the provision of such tenements as are referred to in sub-section [5][(*1*) of section 195 C] shall be deemed to be loans raised and utilised [4]* * * for the provision of such tenements [4]* * *.]

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[1] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] Section 195D was inserted by Bom. 20 of 1920, s. 2.

[4] The words "for such schemes of improvement or" "for such schemes or" and "as the case may be" were omitted by Bom. 2 of 1934, s. 4 (*1*).

[5] These words, figures, letter and brackets were substituted for the original *ibid*, s. 4 (*2*).

Supplementary Taxation.

196. Whenever the corporation determine, under section 134, to have recourse to supplementary taxation in any official year, they shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax imposable under this Act is being levied or by adding to the number of articles on which town-duties are being levied, but every such increase or addition shall be made subject to the limitations and conditions on which any such tax is imposable.

Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

Collection of Taxes.

197. Each of the property-taxes shall be payable in advance in half-yearly instalments on each first day of April and each first day of October.

Property-taxes payable half-yearly in advance.

198. (*1*) Except as is hereinafter otherwise provided the tax on vehicles and animals [2][(including the tax payable under the proviso to clause (*g*) of sub-section (*1*) of section 181)] shall be [3][paid quarterly in advance] on each first day of April and each first day of July and each first day of October and each first day of January.

[1][Tax on vehicles, animals and public conveyances payable in advance.]

[4][(*1A*) If in any quarter a vehicle or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the quarter on which such vehicle or animal so becomes liable and the amount of tax leviable for such quarter shall be, if such earliest day occurs—

(*a*) in the first month of such quarter, the whole tax for such quarter,

(*b*) in the second month of such quarter, two-thirds of the tax for such quarter,

(*c*) in the last month of such quarter, one-third of the tax for such quarter,

provided that no tax shall be leviable for such quarter if such earliest day occurs within the last 10 days of such quarter.]

(*2*) Provided that in the case of any public conveyance licensed by the Police Commissioner under [5][the Bombay Public Conveyances Act, 1920] the person who keeps or lets such public conveyance for hire shall be required by the said Commissioner, before any licence is issued to him under the said Act, to pay into the municipal office the tax leviable on the said public conveyance and the animal or animals used for the same, for the whole period for which such licence is to be granted, together with the fee payable for such licence.

Bom. VII of 1920.

199. [6]* * * * Town duties shall be payable on demand.

Town-duties payable on demand.

200. (*1*) When any property tax or tax on vehicles and animals, other than public conveyances and the animals used therefor, or any instalment of any such tax, shall have become due, the Commissioner shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum due.

Presentation of bills for certain taxes.

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[1] This marginal note was substituted for the original by Bom. 76 of 1948, s. 22.

[2] This was inserted by Bom. 8 of 1942, s. 10 (*1*) (*a*), read with Bom. 8 of 1948, s. 3.

[3] These words were substituted for the words " payable quarterly in arrear ", *ibid.*, s. 10 (1) (*b*).

[4] This sub-section was inserted, *ibid.*, s. 10 (*2*).

[5] These words and figures were substituted for the original by Bom. 76 of 1948, s. 22.

[6] Words repealed by Bom. 7 of 1921, s. 6, are omitted, and the repeal shall have effect from 1st April 1920.

(*2*) Every such bill shall specify the period for which, and the premises, vehicle or animal in respect of which, the tax is charged, and shall also give notice of the time within which an appeal may be preferred, as hereinafter provided, against such tax. [1][Every such bill for the payment of tax on vehicles and animals shall have printed on the reverse side of the bill the provisions of sections 188 to 191.]

When one bill may be presented for several claims.

201. (*1*) All the sums due for each half-year for all or any of the three-property-taxes by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump : Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property under section 167.

(*2*) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit the several sums payable by him on account of such properties :

Provided that if such person, by written notice to the Commissioner, request to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of his said notice :

[2][Provided however that notwithstanding anything in the foregoing proviso no person shall be entitled to be furnished with more than one bill in respect of any building or land which has been treated as comprising more than one separate property under section 158.]

Notice of demand.

202. (*1*) If the amount of tax for which any bill has been presented as aforesaid is not paid into the municipal office within fifteen days from the presentation thereof, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form of Schedule I, or to the like effect.

(*2*) For every notice of demand which the Commissioner causes to be served on any person under this section, a fee of such amount not exceeding one rupee as shall in each case be fixed by the Commissioner shall be payable by the said person and shall be included in the costs of recovery.

Distress.

203. [3][(*1*)] If the person liable for the payment of the said tax do not within fifteen days from the service of the notice of demand pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of Schedule J, or to the like effect, to be issued by the Commissioner, by distress and sale of the goods and chattels of the defaulter, or, if the defaulter be the occupier of any premises in respect of which a property-tax is due, by distress and sale of any goods and chattels found on the said premises [4][or, if the tax be due in respect of any vehicle or animal, by distress and sale of such vehicle or animal in whomsoever's ownership, possession or control, the same may be.

[1] This portion was added by Bom. 8 of 1942, s. 11 read with Bom. 8 of 1948, s. 3.
[2] This proviso was added by Bom. II of 1911, s. 9.
[3] Sectio3 20? was numbered sub-section (*1*) of s. 203 by Bom. 8 of 1918, s. 4.
[4] These words were added by Bom. 8 of 1942, s. 12, read with Bom. 8 of 1948, s. 3.

[1][(*2*) If after the service of the notice of demand the amount of the said tax is paid but the fee for the notice is not paid, the sum due on account of the said fee may be levied under a warrant in the form of Schedule J (*mutatis mutandis*) to be issued by the Commissioner in the same manner as if such sum were due on account of the tax.]

204. The goods and chattels of any person liable for the payment of any tax, [2][or the vehicles or animals in respect of which the tax is due] for levy of which a warrant has been issued as aforesaid, may be distrained wherever the same may be found. Goods of defaulter may be distrained wherever found.

205. The officer charged with the execution of a warrant of distress issued under section 203 shall forthwith make an inventory of the goods and chattels [3][and vehicles or animals] which he seizes under such warrant, and shall at the same time give a written notice, in the form of Schedule K [3][or in a similar form] to the person in possession thereof at the time of seizure, that the said goods and chattels [3][and vehicles or animals] will be sold as therein mentioned. Inventory and notice of distress and sale.

206. (*1*) If the warrant is not in the meantime suspended by the Commissioner or discharged, the goods and chattels [4][or vehicles or animals] seized shall, after the expiry of the period named in the notice served under the last preceding section, be sold by order of the Commissioner, who shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery. Sale.

(*2*) The surplus, if any, shall be forthwith credited to the municipal fund, but if the same be claimed by written application to the Commissioner within one year from the date of the sale, a refund thereof shall be made to the person in possession of the goods and chattels [4][or vehicles or animals] at the time of the seizure. Any surplus not claimed within one year as aforesaid shall be the property of the corporation.

207. For every distraint made under this Act a fee shall be charged at the rate set forth in Schedule L, and the said fee shall be included in the costs of recovery. Fees for distraints.

208. The Commissioner may, in his discretion, remit the whole or any part of any fee chargeable under the last-preceeding section or under sub-section (*2*) of section 202. Fees for cost of recovery may be remitted.

209. (*1*) If the sum due on account of any property-tax remains unpaid after a bill for the same has been duly presented to the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may present a bill for the amount to the occupier of the said premises, or, if there are two or more occupiers thereof, may present a bill to each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises. When occupiers may be held liable for payment of property taxes.

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[1] This sub-section was added by Bom. 8 of 1918, s. 4.
[2] These words were inserted by Bom. 8 of 1942, s. 13 read with Bom. 8 of 1948, s. 3.
[3] These words were inserted, *ibid.*, s. 14.
[4] These words were inserted, *ibid.*, s. 15.

(2) If the occupier or any of the occupiers fails within fifteen days from the presentation of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the foregoing provisions.

(3) No arrear of a property-tax shall be recovered from any occupier under this section, which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(4) If any sum is paid by, or recovered from, an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Summary proceedings may be taken against persons about to leave the city.

210. (1) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any property tax or tax on vehicles and animals, [1]* * * * * * * * * is about forthwith to remove from the city, the Commissioner may direct the immediate payment by such person of the sum so due [1]* * * by him and cause a bill for the same to be presented to him.

(2) If, on presentation of such bill, the said person do not forthwith pay the sum due [1]* * * * by him, the amount shall be leviable by distress and sale in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

Defaulters may be sued for arrears, if necessary.

211. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success, any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a property-tax or of the tax on vehicles and animals, may be recovered from him by a suit in any court of competent jurisdiction.

Property-taxes to be a first charge on premises on which they are assessed.

212. Property-taxes due under this Act in respect of any building or land shall, subject to the prior payment of the land-revenue, if any, due to [2][the Provincial Government] thereupon, be a first charge [3][in the case of any building or land held immediately from the Crown, upon the interest in such building or land of the person liable for such taxes and upon the goods and chattels, if any, found within or upon such building or land and belonging to such person; and, in the case of any other building or land,] upon the said building or land and upon the goods and chattels, if any, found within or upon such building or land and belonging to the person liable for such taxes.

Collection of town-duties how to be effected.

213. (1) [4]* * * Town-duties—

(a) may be collected, under the orders of the Commissioner, by municipal officers and servants appointed in this behalf; or

(b) if the Commissioner thinks fit, may, with the approval of the standing committee, be farmed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the standing committee, appoints to be his agent for this purpose.

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[1] Words deleted by s. 16 of Bom. 8 of 1942, read with Bom. 8 of 1948, s. 3, are omitted.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were inserted by Bom. 1 of 1942, s. 2, read with Bom. 8 of 1948, s. 2.

[4] Words repealed by Bom. 7 of 1921, s. 7 (a), are omitted and the repeal shall have effect from 1st April 1920.

(2) [1]* * * Town-duties shall be collected, and refunds of town-duties shall be made, at such places and be managed and controlled in such manner, as the Commissioner, with the approval of the standing committee, shall from time to time direct.

214. [*Repealed by Bom. VII of 1921.*]

215. Every person authorized under section 213 to collect or to refund town-duties shall have, in respect of the collection of the said duties and of paying refunds and of the confiscation of goods in connection therewith, the same powers as are conferred by any law at the time in force on the Commissioner of Customs of Bombay and the officers subordinate to him in respect of the levy of customs-duties and of the grant of drawbacks and of the confiscation of goods in connection therewith, and shall also have the same privileges and be subject to the same liabilities in respect of anything done by him in or for the purpose of collecting or refunding town-duties as the said Commissioner of Customs and the officers subordinate to him have or are subject to, under any law at the time in force relating to customs-duties. Powers of persons authorised to collect and refund town-duties.

216. The Commissioner may, with the approval of the standing committee, from time to time write off any sum due on account of any tax or of the costs of recovering any tax, which shall, in his opinion, be irrecoverable. Writing off of irrecoverable taxes.

Appeals against Valuations and Taxes.

[2]**217.** (1) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this Act shall be heard and determined by the Chief Judge of the Small Cause Court. Appeals when and to whom to lie.

(2) But no such appeal shall be heard by the said Chief Judge, unless—

(a) it is brought within fifteen days after the accrual of the cause of complaint;

(b) in the case of an appeal against a rateable value a complaint has previously been made to the Commissioner under section 163, and such complaint has been disposed of;

(c) in the case of an appeal against any amendment made in the assessment-book under section 167 during the official year, a complaint has been made by the person aggrieved within fifteen days after he first received notice of such amendment, and his complaint has been disposed of;

(d) in the case of an appeal against a tax, or in the case of an appeal made against a rateable value after a bill for any property-tax assessed upon such value has been presented to the appellant, the amount claimed from the appellant has been deposited by him with the Commissioner.

218. For the purposes of the last preceding section, cause of complaint shall be deemed to have accrued as follows, namely— Cause of complaint when to be deemed to have accrued.

(a) in the case of an appeal against a rateable value, on the day when the complaint made to the Commissioner under section 163 against such value is disposed of;

[1] Words repealed by Bom. 7 of 1921, s. 7 (b), are omitted, and the repeal shall have effect from 1st April 1920.

[2] As to references by the Chief Judge of the Court of Small Causes to the High Court, before or on the hearing of an appeal under section 217—*see* Act 12 of 1888, s. 2.

(*b*) in the case of an appeal against any amendment made in the assessment-book, under section 167, during the official year, on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of;

(*c*) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is presented.

Arbitration.

[1][**218A.** Where in any appeal under section 217 all the parties interested agree that any matter in difference between them shall be referred to arbitration, they may, at any time before a decision is given in such appeal, apply in writing to the Chief Judge of the Small Cause Court for an order of reference on such matter and on such application being made, the provisions of the Arbitration Act, 1940, relating to arbitration in suits shall, so far as they can be made applicable, apply to such application and the proceedings to follow thereon, as if the said Chief Judge were a Court within the meaning of that Act and the application were an application made in a suit.] X of 1940.

Appointment of expert valuer.

[1][**218B.** (*1*) If any party to an appeal against a rateable value under section 217 makes an application to the Chief Judge of the Small Cause Court either before the hearing of the appeal or at any time during the hearing of the appeal, but before evidence as to value has been adduced, to direct a valuation of any premises in relation to which the appeal is made, the Chief Judge may, in his discretion, appoint a competent person to make the valuation and any person so appointed shall have power to enter on, survey and value the premises in respect of which the direction is given:

Provided that, except when the application is made by the Commissioner, no such direction shall be made by the Chief Judge unless the applicant gives such security as the Chief Judge thinks proper for the payment of the costs of valuation under this sub-section.

(*2*) The costs incurred for valuation under sub-section (*1*) shall be costs in the appeal, but shall be payable in the first instance by the applicant.

(*3*) The Chief Judge may, and on the application of any party to the appeal shall, call as a witness the person appointed under sub-section (*1*) for making the valuation and, when he is so called, any party to the appeal shall be entitled to cross-examine him.]

Reference to High Court.

[1][**218C.** (*1*) If, before or on the hearing of an appeal under section 217, any question of law or usage having the force of law, or the construction of a document arises, the Chief Judge of the Small Cause Court may, and on the application of any party to the appeal shall, draw up a statement of the facts of the case and the question so arising, and refer the statement with his own opinion on the point for the decision of the High Court.

(*2*) Where a reference is made to the High Court under sub-section (*1*), the provisions of Rules 2 to 5, both inclusive, of Order XLVI in the First Schedule to the Code of Civil Procedure, 1908, shall, so far as they can be made applicable, apply to the said Chief Judge and to the High Court, respectively.] V of 1908.

Appeals.

[1][**218D.** (*1*) An appeal shall lie to the High Court—

(*a*) from any decision of the Chief Judge of the Small Cause Court in an appeal under section 217 by which a rateable value in excess of two thousand rupees is fixed, and

[1] Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s. 23.

(b) from any other decision of the said Chief Judge in an appeal under the said section, upon a question of law or usage having the force of law or the construction of a document.

V of 1908. (2) The provisions of the Code of Civil Procedure, 1908, with respect to appeals from original decrees shall, so far as they can be made applicable, apply to appeals under sub-section (1) and orders passed therein by the High Court may on application to the said Chief Judge be executed by him as if they were decrees made by himself:

Provided that no such appeal shall be heard by the High Court unless it is filed within one month from the date of the decision of the Chief Judge.]

Costs of proceedings in appeal.

[1][218E. The costs of all proceedings in appeal under section 217 before the Chief Judge of the Small Cause Court including those of arbitration under section 218A and of valuation under section 218B shall be payable by such parties in such proportion as the Chief Judge of the Small Cause Court shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court.]

Unappealed values and taxes and decisions on appeal to be final.

219. (1) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and

the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and

the decision of the Chief Judge aforesaid upon any appeal against any such value or tax, [2][if no appeal is made therefrom under section 218D], shall be final.

(2) Effect shall be given by the Commissioner to every decision of the said Chief Judge on any appeal against any such value or tax.

CHAPTER IX.

DRAINS AND DRAINAGE-WORKS.

Municipal Drains.

Municipal drains to be under the control of the Commissioner.

220. All drains [3][vesting in or] belonging to the corporation—which in this Act are referred to as "municipal drains"—shall be under the control of the Commissioner.

Vesting of water-courses.

[4][220A. (1) Any natural water-course heretofore belonging to His Majesty by which rain-water or drainage of any kind is carried, may, on application to [5][the Provincial Government] made by the Commissioner with the previous approval of the standing committee, be vested in the corporation: Provided that—

(a) it shall be in the discretion of [5][the Provincial Government] in each case to determine whether a particular water-course so applied for shall be so vested, and

(b) a resolution of [5][the Provincial Government] declaring that a water-course so applied for may be made over to the corporation shall, from the date thereof, operate to vest such water-course in the corporation.]

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[1] Sections 218A, 218B, 218C, 218D and 218E were inserted by Bom. 76 of 1948, s. 23.
[2] This portion was inserted, *ibid.*, s. 24.
[3] These words were inserted by Bom. 5 of 1905, s. 10.
[4] Section 220A, was added, *ibid.*, s. 11.
[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Drains to be constructed and kept in repair by the Commissioner.

221. [1][(1)] The Commissioner shall maintain and keep in repair all municipal drains and, when authorised by the corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining the city.

[2][(2) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the municipal fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street and the portion of any connecting drain so laid under the street shall vest in the corporation and be maintained and kept in repair by the Commissioner as a municipal drain.]

Powers for making drains.

222. (1) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the city, or, for the purpose of outfall or distribution of sewage, without the city.

(2) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in, any land wherein any municipal drain has been already lawfully constructed or repair or alter any municipal drain so constructed.

(3) In the exercise of any power under this section, as little damage as can be shall be done, and compensation shall be paid by the Commissioner to any person who sustains damage by the exercise of such power.

Buildings, etc., not to be erected without permission over drains.

223. (1) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any municipal drain.

(2) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Alteration and discontinuance of drains.

224. (1) The Commissioner may enlarge, arch over or otherwise improve any municipal drain, and may discontinue, close up or destroy any such drain which has, in his opinion become useless or unnecessary:

(2) Provided that the discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person, and, if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his use some other drain as effectual as the one which has been discontinued, closed up or destroyed.

Cleansing drains.

225. (1) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleansing and emptying the said drains, the Commissioner may, when authorized by the corporation in this behalf, construct or set up such reservoirs, sluices, engines and other works, as he shall from time to time deem necessary.

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[1] Section 221 was renumbered 221, sub-section (1), by Bom. 5 of 1905, s. 12 (1).
[2] Sub-section (2) was inserted, *ibid.*, s. 12 (2).

226. [*Repealed by Bom. V of 1905.*]

Drains of Private Streets and Drainage of Premises.

227. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, namely— Power to connect drains of private streets with municipal drains.

(*a*) before commencing to construct such drain, the owner of the street shall submit to the Commissioner a plan of the street, bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn, to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall be proceeded with without the approval in writing or contrary to the directions of the Commissioner;

(*b*) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication, in all respects, as the Commissioner, with the approval of the standing committee, shall direct;

(*c*) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

228. The owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain [1][or other place legally set apart for the discharge of drainage,] provided that he first obtains the written permission of the Commissioner and that he complies with such conditions as the Commissioner prescribes as to the mode in which and the superintendence under which [2][connections with municipal drains or other places aforesaid] are to be made. Power of owners and occupiers of premises to drain into municipal drains.

229. No person shall, without complying with the provisions of section 227 or 228, as the case may be, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain [1][or other place legally set apart for the discharge of drainage]; and the Commissioner may, with the approval of the standing committee, close, demolish, alter or re-make any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made, or by the person offending. Connections with municipal drains not to be made except in conformity with section 227 or 228.

[3][**229A.** (*1*) Without the written permission of the Commissioner no building, wall or other structure shall be newly erected over any drain. Buildings, etc., not to be erected without permission over any drains.

(*2*) If any building, wall or other structure be so erected, the Commissioner, after giving the offending person ten days' notice of his intention, may apply for the approval of the standing committee and may with their approval remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.]

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[1] These words were inserted by Bom. 5 of 1905, s. 14 (*1*).
[2] These words were substituted for the original words, *ibid.*, s. 15.
[3] This section was inserted by Bom. 8 of 1918, s. 5.

Right of owners and occupiers of premises to carry drains through land belonging to other persons.

230. (*1*) If it shall appear to the Commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a municipal drain [1][or other place legally set apart for the discharge of drainage,] is by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of the land a reasonable opportunity of stating any objection, may, with the approval of the standing committee, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to allow.

(*2*) Every such order, bearing the signature of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(*3*) Subject to all other provisions of this Act, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may after giving to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(*4*) In executing any work under this section, as little damage as can be shall be done, and the owner or occupier of premises [2][for the benefit of which] the work is done shall—

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction, opened, broken up or removed for the purpose of executing the said work;

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

(*5*) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a building on such land, the Commissioner shall, with the approval of the standing committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same: Provided that no such requisition shall be made, unless, in the opinion of the standing committee, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

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[1] These words were inserted by Bom. 5 of 1905, s. 14 (*1*).

[2] These words were substituted for the original words, *ibid.*, s. 16.

[1][230A. Every owner of land shall be bound to allow any person, in whose favour an order has been made under section 230, sub-section (*1*), to carry a drain into, through or under the land of such owner on such terms as may be prescribed in such order.]

Owner of land to allow others to carry drains through the land.

231. Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.

(*a*) to make a drain of such material, size and description and laid at such level [2][and according to such alignment] and with such fall and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid :

[3][Provided that, where any premises have already been drained under municipal rules and have to be re-drained, no such requisition shall be made without the previous sanction of the standing committee.]

(*b*) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ;

(*c*) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

232. (*1*) Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, but no municipal drain or such place as aforesaid is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.

[4][(*a*) to construct a drain up to a point to be prescribed in such notice, but not distant more than one hundred feet from some part of the said premises, or

(*b*) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall as the Commissioner thinks necessary, and drain or drains emptying into such cesspool].

[5][(*2*) Any requisition for the construction of any drain under sub-section (*1*) may comprise any detail specified in clause (*a*), (*b*) or (*c*) of section 231.]

[6][232A. (*1*) Where the Commissioner is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a municipal drain, or other place legally set apart for the discharge of drainage, already existing or about to be constructed, may be drained more economically or advantageously in combination than separately, the Commissioner may, with the approval of the standing committee, cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the standing committee may think fit.

Power of Commissioner to drain premises in combination.

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[1] This section was inserted by Bom. 8 of 1918, s. 6.
[2] These words were inserted by Bom. 5 of 1905, s. 17 (*a*).
[3] This proviso was added *ibid.*, s. 17 (*b*).
[4] These words were substituted for the original words by Bom. 5 of 1905, s. 18 (*a*).
[5] Sub-section (*2*) was substituted for the original sub-section, *ibid.*, s. 18 (*b*).
[6] Section 232A was inserted, *ibid.*, s. 19.

(*2*) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owners of all the premises to be drained, of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(*3*) The owners for the time being of the several premises constituting a group or block drained under sub-section (*1*) shall be the joint owners of every drain, constructed, erected or fixed, or continued, for the special use and benefit only of such premises, and shall, in the proportions in which it is determined that the owners of such premises, are to contribute to the expenses incurred by the Commissioner under sub-section (*1*), be responsible for the expense of maintaining every such drain in good repair and efficient condition, but every such drain shall from time to time be flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund.]

Commissioner may close or limit the use of existing private drains.

233. (*1*) Where a drain connecting any premises with a municipal drain [1][or other place legally set apart for the discharge of drainage] is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of the city, [2][or of the part of the city in which such drain is situated], the Commissioner, with the approval of the standing committee may—

(*a*) subject to the provision of sub-section (*2*), close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done;

[3][(*b*) direct that such drain shall, from such date as he prescribes in this behalf, be used for sullage and sewage only, or for rain-water only, or for unpolluted sub-soil water only, or for both rain-water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for rain-water or unpolluted sub-soil water, or for both rain-water and unpolluted sub-soil water, or for sullage and sewage.]

(*2*) No drain may be closed, discontinued or destroyed by the Commissioner under clause (*a*), except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain [4][or other place aforesaid] which the Commissioner thinks fit; and the expenses of the construction of any drain so provided by the Commissioner and of any work done under clause (*a*) shall be paid by the Commissioner.

(*3*) Any requisition made by the Commissioner under clause (*b*) may embrace any detail specified in clause (*a*) or clause (*b*) of section 231.

Vesting and maintenance of drains for sole use of properties.

[5][**233A.** Subject to the provisions of sub-section (*2*) of section 221, every drain which has been constructed, [6][laid], erected or set up, whether at the expense of the corporation or not, or which is continued, for the sole use and benefit of any premises [7][or group of premises] shall—

(*a*) notwithstanding anything contained in section 242, vest in the owner of such premises [8][or group of premises] on and from the thirtieth day of September 1905; and

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[1] These words were inserted by Bom. 5 of 1905, s. 14 (*1*).
[2] These words were inserted, *ibid.*, s. 20 (*a*).
[3] This clause was substituted for the original clause (*b*), *ibid.*, s. 20 (*b*).
[4] These words were inserted, *ibid.*, s. 14.
[5] Section 233A was inserted, *ibid.*, s. 21.
[6] The word "laid" was inserted by Bom. 8 of 1918, s. 7 (*a*).
[7] These words were inserted, *ibid.*, s. 7 (*b*).
[8] These words were inserted, *ibid.*, s. 7 (*c*).

[1][(b) be provided with all such further appliances and fittings as may appear to the Commissioner necessary for the more effectual working of the same, and also be maintained in good repair and efficient condition by the owner of such premises or group of premises, and be from time to time flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund].]

New building not to be erected without drains.

234. (*1*) It shall not be lawful newly to erect any building, or to rebuild any building, or to occupy any building newly erected or rebuilt, unless and until—

(*a*) a drain be constructed of such size, materials and description, at such level and with such fall, as shall appear to the Commissioner to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(*2*) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a distance not exceeding one hundred feet from [2][the premises in which such building is situated]; but if no such drain or place is within that distance, then such drain shall empty into such cesspool as the Commissioner directs.

Excrementitious matter not to be passed into cesspool.

235. No person shall, except with the permission of the Commissioner pass or cause or permit to be passed any excrementitious matter into any cesspool made or used under section 232 or section 234, or into any drain communicating with any such cesspool.

Obligation of owners of drains to allow use thereof or joint ownership therein to others.

236. Every owner of a drain connected with a municipal drain [3][or other place legally set apart for the discharge of drainage] shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be prescribed under section 228.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

237. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Commissioner for authority to use such drain or to be declared joint owner thereof.

Commissioner may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

238. (*1*) [4][Where the Commissioner is of opinion, whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier] the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto, may, with the approval of the standing committee, if no objection is raised or if any objection which is raised appears to him invalid or

[1] This clause was substituted for the original clause (*b*) by Bom. 8 of 1918, s. 7 (*d*).
[2] These words were substituted for the original words by Bom. 5 of 1905, s. 22.
[3] These words were inserte, *ibid.*, s. 14 (*1*).
[4] These words were substituted for the original words, *ibid.*, s. 23 (*a*).

[1][(*4*) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (*1*) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building, and fill in and make good such land, at the charge of the municipal fund.]

Disposal of Sewage.

Appointment of places for emptying of drains and disposal of sewage.

245. The Commissioner may cause all or any municipal drains to empty into the sea or other place, whether within or without the city, and dispose of the sewage at any place, whether within or without the city, and in any manner, which he shall deem suitable for such purpose: Provided that—

(*a*) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore emptied, or dispose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of, without the sanction of the corporation;

(*b*) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance;

(*c*) no municipal drain shall be made to empty into any place, and no sewage shall be disposed of at any place or in any manner which [2][the Provincial Government] shall think fit to disallow.

Provision of means for disposal of sewage.

246. (*1*) For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Commissioner may, when authorized by the corporation in this behalf—

(*a*) construct any work within or without the city;

(*b*) purchase or take on lease any land, building, engine, material or apparatus either within or without the city;

(*c*) enter into an arrangement with any person for any period not exceeding twenty years, for the removal or disposal of sewage [3][within or without the city].

(*2*) Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

Water-closets, Privies, Urinals, etc.

Construction of water-closets and privies.

[4][**246A.** (*1*) It shall not be lawful to construct any water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any by-laws for the time being in force as he may prescribe.

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[1] Sub-section (4) of section 244 was added by Bom. 5 of 1905, s. 26 (*c*).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were added by Bom. 5 of 1905, s. 27.

[4] Sections 246A, 247 and 248 were substituted for sections 247 and 248, *ibid.*, s. 28.

(*2*) In prescribing any such terms the Commissioner may determine in each case—

(*a*) whether the premises shall be served by the water-closet or by the privy system, or partly by one and partly by the other; and

(*b*) what shall be the site or position of each water-closet or privy.

(*3*) If any water-closet or privy is constructed on any premises in contravention of sub-section (*1*), the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy, and, with the previous approval of the standing committee, alter or demolish the same, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.]

Water-closets and other accommodation in buildings newly erected or re-erected.

[1][**247.** (*1*) It shall not be lawful newly to erect or to re-erect any building for or intended for human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy accommodation, and such urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, as the Commissioner may prescribe.

(*2*) In prescribing any such accommodation the Commissioner may determine in each case—

(*a*) whether such building shall be served by the water-closet or by the privy system, or partly by one and partly by the other;

(*b*) what shall be the site or position of each water-closet, privy, urinal, or bathing or washing place, and their number.]

Where there is no such accommodation or the accommodation is insufficient or objectionable.

[1][**248.** (*1*) Where any premises are without a water-closet, or privy, or urinal, or bathing or washing place, or if the Commissioner is of opinion that the existing water-closet, or privy, or urinal, or bathing or washing place accommodation available for the persons occupying or employed in any premises is insufficient, inefficient, or on any sanitary grounds objectionable, the Commissioner may, with the previous approval of the standing committee, by written notice, require the owner of such premises—

(*a*) to provide such, or such additional, water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes;

(*b*) to make such structural or other alterations in the existing water-closet, privy, urinal, or bathing or washing place accommodation as he prescribes; or

(*c*) to substitute water-closet accommodation for any privy accommodation.

(*2*) Provided that where the water-closet, privy, urinal, or bathing or washing place accommodation of any premises—

(*a*) has been, and is being, used in common by the persons occupying or employed in such premises and any one or more other premises, or

(*b*) is in the opinion of the Commissioner likely to be so used,

the Commissioner may, if he is of opinion that such accommodation is sufficient to admit of the same being used by all the persons occupying or employed in all such

[1] Sections 246A, 247 and 248 were substituted for sections 247 and 248 by Bom. 5 of 1905, s. 28.

premises, direct in writing that separate water-closet, privy, urinal or bathing washing place accommodation need not be provided on or for each of such other premises.

(*3*) Provided also that the Commissioner may, if he is of opinion that there is sufficient municipal latrine accommodation available for all the persons occupying or employed in any premises, direct that separate water-closet, privy or urinal accommodation need not be provided for such premises.

(*4*) Any requisition under sub-section (*1*) may comprise any detail specified in sub-section (*2*) of section 247.]

Power to require privy accommodation to be provided for factories, etc.

249. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway station, dock, wharf or other place of public resort, or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

Power of Commissioner as to unhealthy privies.

[1][**249A.** Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building to cause injury to the health of any person occupying such building, the Commissioner, with the previous approval of the standing committee, may, by written notice, require the owner or occupier of the premises in or on which such privy is situate either—

(*a*) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy accommodation or such urinal accommodation as the Commissioner may prescribe, or

(*b*) to provide between the said privy and any portion of the said building such air-space, not exceeding three feet in width, open to the sky, and situate entirely within the limits of the said premises as the Commissioner may prescribe.]

Provisions as to privies.

250. (*1*) The owner or occupier of any premises on which there is a privy shall—

(*a*) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky;

(*b*) have such privy shut off by a sufficient roof and wall, or fence, from the view of persons dwelling in the neighbourhood or passing by;

(*c*) unless and except for such period as he shall be permitted by the Commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door, close up and not keep any door or trap-door in such privy opening on to a street.

(*2*) Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or trap-door in a privy opening on to a street, if a nuisance is not thereby created.

[1] Section 249A was inserted by Bom. 5 of 1905, s. 29.

(*3*) Provided also that clause (*a*) shall not be deemed to apply to any privy in existence when this Act comes into force, unless—

(*d*) there is space available on the premises of the owner or occupier for the erection of a new privy conformably to the said clause; and

(*e*) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy.

Provisions as to water-closets.

251. The owner or occupier of any premises on which there is a water-closet shall—

(*a*) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient;

(*b*) have such water-closet in such a position that one of its sides at the least shall be an external wall;

(*c*) have the seat of such water-closet placed against an external wall;

(*d*) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aperture in one of the walls of such water-closet opening directly into the external air, or by an air-shaft or by some other suitable method or appliance;

(*e*) have such water-closet supplied by a supply-cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary; provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

Position of privies and water-closets.

[1][**251A.** No person shall build a privy or water-closet in such a position or manner as—

(*a*) to be directly over or directly under any room or part of a building other than another privy or water-closet or a bathing place, bath room or terrace;

(*b*) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be, used (whether in natural or manufactured state) for human consumption or domestic purposes, or otherwise render the water of any well, spring, tank or stream liable to pollution.]

Use of places for bathing or washing clothes or domestic utensils.

[2][**251B** No. person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils, any part of any premises which has not been provided with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.]

[1] Section 251A was inserted by Bom. 5 of 1905, s. 30.
[2] Section 251B was inserted, *ibid.*, s. 31.

Public necessaries.

252. The Commissioner shall provide and maintain in proper and convenient situations and on sites vesting in the corporation, water-closets, latrines, privies and urinals and other similar conveniences for public accommodation.

Inspection.

Drains, etc., not belonging to the corporation to be subject to inspection and examination.

253. All drains, ventilation-shafts and pipes, cess-pools, house-gullies, water-closets, privies, latrines and urinals [1][and bathing and washing places] which do not belong to the corporation, or which have been constructed, erected or set up at the charge of the municipal fund on premises not belonging to the corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Power to open ground etc., for purposes of such inspection and examination.

254. For the purpose of such inspection and examination, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building or, with the approval of the standing committee, any portion of a building, which he shall think fit, to be opened, broken up or removed: Provided that in the prosecution of any such inspection and examination as little damage as can be shall be done.

When the expenses of inspection and examination are to be paid by the Commissioner.

255. If upon any such inspection and examination as aforesaid it shall be, found that the drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal [2][or bathing or washing place] examined is in proper order and condition, and that none of the provisions of this Chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

When the expenses of inspection and examination are to be paid by the owner.

256. But if it shall be found that any drain, ventilation-shaft or pipe, cess-pool, house-gully, water-closet, privy, latrine or urinal [2][or bathing or washing place] so examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or, except when the same has been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provisions of this Chapter or of any enactment at the time in force,

the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination, at his own cost.

Commissioner may require repairs, etc., to be made.

[3][257. (*1*) When the result of such inspection and examination as aforesaid is as described in section 256, the Commissioner may—

(*a*) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shift or pipe, cess-pool house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situate, or for the benefit of which the same has been constructed, erected or set up,

[1] These words were inserted by Bom. 5 of 1905, s. 32 (*1*).
[2] These words were inserted, *ibid.*, s. 32 (*2*).
[3] Section 257 was substituted for the original section, *ibid.*, s. 33.

(*i*) to close or remove the same or any encroachment thereupon or [1][subject to the proviso to clause (*c*) of section 258, to remove any projection over the same, or]

(*ii*) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other order with the same as he shall think fit to direct and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination, and

(*b*) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this Chapter, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(*2*) Any requisition under clause (*a*) of sub-section (*1*) in respect of any drain which has been constructed, erected or set up, or which is continued for the sole use and benefit of a property or for the exclusive use and benefit of two or more properties, may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.]

Cost of inspection and execution of works in certain cases.

[2][**257A.** In the case of any drain which has been constructed, erected or fixed, or which is continued, for the exclusive use and benefit of two or more premises and which is not—

(*a*) a drain constructed under section 232A, sub-section (*1*), or

(*b*) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under section 238, sub-section (*1*),

the expenses of any inspection and examination made by the Commissioner under section 253 and of the execution of any work required under section 257, whether executed under section 260 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined—

(*i*) by the standing committee if the aggregate amount of such expenses exceeds one hundred rupees, or

(*ii*) by the Commissioner if the aggregate amount of such expenses does not exceed one hundred rupees.]

General Provisions.

Prohibition of acts contravening the provisions of this Chapter or done without sanction.

258. No person shall—

(*a*) in contravention of any of the provisions of this Chapter or of any notice issued or direction given under this Chapter, or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, set up, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine

[1] These words were added by Bom. 8 of 1918, s. 8.

[2] Section 257A was inserted by Bom. 5 of 1905, s. 34.

or urinal [1][or bathing or washing place] or any trap, covering or other fitting or appliance connected therewith;

(*b*) without the written permission of the Commissioner, renew, rebuild or unstop any drain, ventilation-shaft or pipe, cess-pool, water-closet, privy, latrine or urinal [1][or bathing or washing place,] or any fitting or appliance, which has been, or has been ordered to be, discontinued, demolished or stopped up under any of the provisions of this Chapter;

(*c*) without the written permission of the Commissioner, make any [2][projection over or] encroachment upon, or in any way injure or cause or permit to be injured, any drain, cess-pool, house-gully, water-closet, privy, latrine or urinal [1][or bathing or washing place]:

[3][Provided that nothing in this clause shall apply to any weather-shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house;]

(*d*) drop, pass or place, or cause or permit to be dropped, passed or placed, into or in any drain, any brick, stone, earth, ashes or any substance or matter by which or by reason of the amount of which such drain is likely to be obstructed;

(*e*) pass, or permit or cause to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided;

(*f*) cause or suffer to be discharged into any drain from any factory, bake-house, distillery, workshop or workplace or from any building or place in which steam, water or mechanical power is employed, any hot water, steam, fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain, or which would, from its temperature or otherwise, be likely to create a nuisance.

When materials and work may be supplied and done under this Chapter for any person by the Commissioner.

259. (*1*) On the written request of any person who is required under any of the provisions of this Chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

(*2*) [4][* * * *]

[1]These words were inserted by Bom. 5 of 1905, s. 32(2).

[2] These words were inserted by Bom. 8 of 1918, s. 9(*a*).

[3] This proviso was added, *ibid*, s. 9 (*b*).

[4] Sub-section (2) was repealed by Bom. 5 of 1905.

[1][**259A.** (*1*) No person shall permit any work described in this Chapter to be executed except by a licensed plumber :

Work to be done by licensed plumber : permission to use as drain.

[2][Provided that if, in the opinion of the Commissioner, the work is of a trivial nature, he may grant permission in writing for the execution of such work by a person other than a licensed plumber.]

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(*3*) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in the form of Schedule S signed by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such works :

Provided that—

(*a*) such inspection shall be made within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed—

(*i*) give permission for the filling in or covering over of such work, or

(*ii*) require that before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular in respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provision of this Act or of the by-laws under this Act.

(*4*) No person shall permit any such work to be used as a drain or part of a drain until—

(*a*) the permission referred to in proviso (*b*) to sub-section (*3*) has been received, or

(*b*) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for the filling in or covering over of such work.]

260. (*1*) The Commissioner may, if he thinks fit, cause any work described in [3][this Chapter] to be executed by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Commissioner may execute certain works under this Chapter without allowing option to persons concerned of executing the same.

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[1] Section 259A was inserted by Bom. 5 of 1905, s. 36.
[2] This proviso was added by Bom. 32 of 1935, s. 11.
[3] The words "this Chapter" were substituted for the original words by Bom. 5 of 1905, s. 37.

Expenses in such cases by whom to be paid.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

CHAPTER X.

WATER SUPPLY.

Construction and Maintenance of Municipal Water-works.

Definitions.

[1][**260A.** In this chapter, unless there is anything repugnant in the subject or context,—

(*a*) 'communication pipe' means a pipe extending from a municipal water main up to and including the municipal stop-cock.

(*b*) 'consumer' means any person who uses or is supplied with water from a municipal water work or on whose application such water is supplied and includes any person liable to the corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal water work.

(*c*) 'consumer's pipe' means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the corporation.

(*d*) 'distributing pipe' means any pipe not subject to water pressure from a municipal water main.

(*e*) 'fitting' includes a pipe, coupling, flange, branch, bend, stop, ferrule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the corporation.

(*f*) 'municipal stop cock' means the stop cock which controls the supply of water from a municipal water main.

(*g*) 'supply pipe' means the pipe extending from a municipal stop cock up to the ball cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main.]

General powers for supplying the city with water.

261. For the purpose of providing the city with a supply of water proper and sufficient for public and private purposes, the Commissioner, when authorized by the corporation in this behalf, may—

(*a*) construct and maintain water-works, either within or without the city, and do any other necessary acts;

(*b*) purchase or take on lease any water-work or any water or right to store or to take and convey water, either within or without the city;

(*c*) enter into an arrangement with any person for a supply of water.

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[1] This section was inserted by Bom. 5 of 1938, s. 21.

262. The Commissioner shall manage all water-works belonging to the corporation—all which water-works are in this Act referred to as "municipal water-work"—and maintain the same in good repair and efficient condition, and shall cause all such alterations and extensions to be from time to time made in the said water-works as shall be necessary or expedient for improving the said works. Municipal water-works to be managed and kept in repair by the Commissioner.

263. (*1*) The Commissioner, and any persons appointed by [1][the Provincial Government] under section 264 in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water-works, at all resonable times— Power of access to municipal water-works.

(*a*) enter upon and pass through any land within or without the city, adjacent to or in the vicinity of such water-works, in whomsoever such land may vest;

(*b*) convey into and through any such land all necessary materials, tools and implements.

(*2*) In the exercise of any power conferred by this section, as little damage as can be shall be done, and compensation for any damage which may be done in the exercise of any of the said powers shall be paid by the Commissioner, or, if any person appointed under section 264 by [1][the Provincial Government] has caused the damage, by [1][the Provincial Government].

264. Any person appointed by [1][the Provincial Government] in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water-work. Inspection of municipal water-works by persons appointed by Provincial Government.

265. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing water-mains, pipes and ducts within or without the city, as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within the city. Power of carrying water-mains, etc.

266. The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained; and shall have painted or marked on the buildings and walls or in some other conspicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant-key to be deposited at each place within the city where a municipal fire-engine is kept, and do such other things for the purpose aforesaid as he shall deem expedient. Fire-hydrants to be provided.

267. (*1*) Except with the sanction of the corporation and, in the case of the Vehar water-works, of [1][the Provincial Government], or, for the purposes of section 262, under the authority of the Commissioner, no person shall— Prohibition of building and other acts which would injure sources of water-supply.

(*a*) erect any building for any purpose whatever within the limits of the water-shed of any lake or reservoir from which a supply of water is derived for any municipal water-work;

(*b*) extend, alter or apply to any purpose different to that to which the same has been heretofore applied, any building already existing within the said limits;

(*c*) carry on, within the said limits, any operation of manufacture, trade or agriculture in any manner, or do any act whatsoever, whereby injury may arise

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

to any such lake or reservoir or to any portion thereof, or whereby the water of any such lake, tank or reservoir may be fouled or rendered less wholesome.

(*2*) The limits of the water-shed of the Vehar lake shall, for the purposes of this section, be deemed to be the limits defined in a plan marked "B", authenticated by the signatures of the Governor and Members of Council, and deposited in the office of the Secretary to the Government of Bombay.

Buildings, etc., not to be erected over municipal water-main without permission.

268. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed, over any municipal water-main.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to him shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Public Gratuitous Water-Supply.

Vesting of public drinking-fountains, etc., in the corporation.

269. (*1*) All existing public drinking fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the city shall vest in the corporation and be under the control of the Commissioner.

(*2*) The Commissioner may maintain the said works and provide them with water, and, when authorised by the corporation in this behalf, may construct any other such works for supplying water for the gratuitous use of the inhabitants of the city.

(*3*) Provided that water carried away by any of the inhabitants from any such work shall be taken only for his [1][personal or domestic use and not for the purpose of business or sale], and shall not, except with the written permission of the Commissioner, be carried away in a cask, cart, pakhal or masak.

(*4*) The Commissioner may temporarily, and with the approval of the corporation permanently, close any of the said works, either entirely or partially.

(*5*) In case any such work is permanently closed, either entirely or partially, by the Commissioner, the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the corporation: Provided that if any such work, which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and materials or the proceeds of the sale thereof shall, unless by reason of their value being insignificant or for other sufficient reason the corporation think fit to otherwise direct, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which shall be approved by the corporation and by the heirs or other representatives, if any, of the said person.

Public drinking fountains, etc., may be set apart for particular purposes.

270. (*1*) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(*2*) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

[1] These words were substituted for the words "private use and not for sale" by Bom. 5 of 1938, s. 22.

Private Water-supply.

Application for private water-supply from whom to be received.

271. (*1*) [1][Supply pipes] for conveying to any premises a private supply of water from [1][a municipal water work] shall not [1][be connected with such water work] except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property-taxes on the said premises.

Commissioner may in certain cases require owners to obtain private water-supply.

[2][(*2*) But if it shall appear to the Commissioner that any premises situate within any portion of the city in which a public notice has been given by the Commissioner under clause (*b*) of section 141, are without a supply of pure water, adequate to the requirements of the persons usually occupying or employed upon to the said premises, the Commissioner shall, by written notice, require the owner of the said premises or the person primarily liable for the payment of property-taxes thereon, to obtain a supply adequate as aforesaid from a municipal water work and to provide supply and distributing pipes, cisterns and fittings and do all such works as may in the opinion of the Commissioner be necessary for that purpose.

Making and renewing connection with municipal water-works.

[3][**272.** (*1*) No connection with any municipal water work shall be made or renewed—

(*a*) except by a municipal officer or servant empowered in that behalf by the Commissioner; and

(*b*) until the certificate specified in sub-section (*4*) has been given.

[4][(*2*) In every case where a new connection with a municipal water-work is made or an existing connection requires renewal, all necessary communication-pipes and fittings [5][thereon], shall be supplied by the Commissioner, and the work of laying and applying such communication-pipes and fittings shall be executed by municipal agency under the Commissioner's orders; and the cost of all such materials and work shall be charged to the municipal fund.]

(*3*) [6][Every such communication-pipe and fittings thereon shall vest] in the corporation and be maintained at the charge of the municipal fund as a municipal water-work.

[7][(*4*) All supply and distributing pipes and cisterns and fittings not being the property of the corporation shall be laid and applied under the supervision and to the satisfaction of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining off waste water.]

[7][(*5*) Where any supply or distributing pipe, cistern or such fitting is laid, applied, added to or altered, or any connection is made in contravention of this section the Commissioner may, with the previous approval of the standing committee, remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations thereto, and make good such pipe, cistern, fitting or connection; and the owner and occupier of the premises in which or for supply to which such supply or distributing pipe, cistern or fitting has been laid, applied, added to or altered or such connection has been made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.]

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[1] These words were substituted by Bom. 5 of 1938, s. 23 (*a*).
[2] This sub-section was substituted for the original, *ibid.*, s. 23 (*b*).
[3] Sections 272, 273 and 273A were substituted for sections 272 and 273 by Bom. 5 of 1905, s. 38.
[4] This sub-section was substituted for the original sub-section (*2*) by Bom. 8 of 1918, s. 10.
[5] This word was substituted for the original by Bom. 5 of 1938, s. 24 (*a*).
[6] These words were substituted for the original, *ibid.*, s. 24 (*b*).
[7] These sub-sections were substituted for the original, *ibid.*, s. 24 (*c*) and (*d*)

Commissioner may take charge of private connections.

[1][**273.** The Commissioner may, by agreement with a consumer, take charge on behalf of the corporation of all or any of the consumer's pipes and fittings :

Provided that if any of such pipes or fittings are communication-pipes or fittings only not vesting in the corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

Any consumer's pipes and fittings, of which the Commissioner takes charge under this section, shall thereafter vest in, and be maintained at the expense of, the corporation as a municipal water-work.]

Power of Commissioner to alter position of connections.

[2][**273A.** The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days previous notice of his intention so to do, cause the said connection, pipe or fitting to be moved to such other position as he thinks fit and relaid and applied, or others to be laid and applied in lieu thereof, in such position as he may direct ; and in every such case all such work shall be carried out at the expense of the municipal fund and such new connection, pipe and fitting shall thereafter vest in the corporation and be maintained at the charge of the municipal fund as a municipal water-work.]

Provisions as to cisterns and other fittings, etc., to be used for connections with water-works.

274. [3][(*1*) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal water-work to provide such premises within a reasonable period which shall be prescribed in the said notice, with cisterns and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit.]

[4][(*1A*) The Commissioner may also in the like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under section 278 is found to be not easily accessible.]

(*2*) The Commissioner shall also from time to time prescribe the size, material quality, description and position of the [5][pipes and fittings] to be employed for the [6][purpose] of any connection with, or of any communication from, any municipal water-work, and no such connection or communication shall be made by any person otherwise than as so prescribed.

[7][(*3*) The Commissioner shall likewise prescribe the size, material, quality and description of the [8][pipes, cisterns and fittings] to be employed for the purpose of replacing any [8][pipes, cisterns and fittings] found on an examination under section 278 to be so defective that they cannot be effectively repaired.]

Provision for keeping cisterns locked.

[9][**274A.** (*1*) The Commissioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice

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[1] This section was substituted for the original Bom. 5 of 1938, s. 25.
[2] This section was substituted for the original, *ibid.*, s. 26.
[3] This sub-section was substituted for the original, *ibid.*, s. 27 (*a*).
[4] This sub-section was inserted, *ibid.*, s. 27 (*b*).
[5] These words were substituted for the original, *ibid.*, s. 27 (*c*) (*i*).
[6] This word was substituted for the word "purposes", *ibid.*, s. 27 (*c*) (*ii*).
[7] This sub-section was added by Bom. 8 of 1918, s. 11 (*b*).
[8] These words were substituted for the original by Bom. 5 of 1938, s. 27 (*d*).
[9] This section was inserted, *ibid.*, s. 28.

prescribe, and may in like manner require any lock or key found to be defective on an inspection under section 278 to be replaced.

(*2*) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.]

Communication-pipes, etc., to be kept in efficient repair by owner or occupier of premises.

275. [1][(*1*)] It shall be incumbent on the owner or occupier of any premises to which a private water-supply is furnished from any municipal water-work, [2][to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe] conveying water from the said water-work to such premises and every meter for measuring water, not being a municipal meter and [2][every cistern and fitting] in or connected with any such pipe, so as effectually to prevent the water from running to waste.

[3][(*2*) When an occupier of any premises is served with a notice under sub-section (*2*) of section 278, he may, after giving to the person to whom he is responsible for the payment of his rent [4][three] days' notice in writing, himself have the repairs executed and in such event he shall be entitled to deduct from any rent due [4][or to become due] by him to such person the actual expenses incurred by him in complying with the notice served under sub-section (*2*) of section 278: provided that nothing in this section shall affect the liabilities of parties under leases executed before the 1st day of April 1918.]

Provision of meters when water is supplied by measurement.

276. (*1*) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be prescribed in this behalf by the standing committee, or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

(*2*) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

Register of meter to be evidence.

277. Where water is supplied by measurement, the register of the meter or other instrument for measuring water shall be *prima facie* evidence of the quantity consumed.

Inspection.

Commissioner, etc., may inspect premises in order to examine meter, communication-pipes, etc.

278. (*1*) The Commissioner may make an inspection of any premises to which a private water-supply is furnished by the corporation in order—

(*a*) to remove, test, examine and replace any meter for measuring water; or

[5][(*b*) to examine any supply or distributing pipe, cistern, lock or fitting; or]

(*c*) to see if there be any waste or misuse of water.

[6][(*2*) The Commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean, any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.]

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[1] Section 275 was numbered sub-section (*1*) of section 275 by Bom. 8 of 1918, s. 12.
[2] These words were substituted for the original by Bom. 5 of 1938, s. 29 (*a*).
[3] This sub-section was added by Bom. 8 of 1918.
[4] These words were substituted for the originalby Bom. 5 of 1938, s. 29 (*b*).
[5] This clause was substituted for the original, *ibid.*, s. 30 (*a*).
[6] This sub-section was substituted for the original, *ibid.*, s. 30 (*b*).

Cutting off private water-supply.

Power to cut off private water-supply or to turn off water.

279. (*1*) The Commissioner may [1]* * * * * * cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the corporation or turn off the water from such premises in any of the following cases, namely :—

(*a*) in default of payment of any instalment of water-tax or of any sum due for water [2][or hire of meter] [3][or expenses of any work done under or by virtue of the provisions of section 272, 276 or 287A] within fifteen days after a [4][notice of demand] for such tax or sum has been duly presented ;

[5][(*b*) if the owner of the premises neglects, within the period prescribed in this behalf in any notice given under sub-section (*1*) or (*1A*) of section 274 or under section 274A, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern ;

(*c*) if the owner or occupier of the premises fails, within the period prescribed in this behalf in any notice given under sub-section (*2*) of section 278, to comply with the terms of such notice or fails to use articles of the kind prescribed under sub-section (*3*) of section 274 ;]

(*d*) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues—

(*i*) to use the water, or to permit the same to be used, in contravention of any by-law made under this Act or of any condition prescribed under sub-section (*2*) of section 169 ;

(*ii*) when payment for the water is made not by measurement to permit any person not residing on premises in respect of which water-tax is paid to carry away from such owner's or occupier's premises water derived from the municipal water-work ;

[6][(*e*) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises ;]

[7][(*f*) if the owner or occupier of the premises fails to comply with any requisition made on him by the Commissioner under sub-section (*2*) of section 287-B, to furnish the name of the licensed plumber] :

[8][Provided that—

[9][(*i*) in any case under sub-clause (*a*) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises,]

[10](*ii*) in cases under sub-clauses (*a*), (*b*), [11][(*d*) and (*f*)] the Commissioner shall not take action without the sanction of the standing committee,

[10](*iii*) in cases under sub-clauses (*c*) and (*e*) the Commissioner shall not take action unless written notice of not less than twenty-four hours has been given to the owner or occupier of the premises,]

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[1] The words " with the sanction of the standing committee ", were repealed by Bom. 6 of 1913, s. 2.
[2] These words were inserted by Bom. 5 of 1938, s. 31 (*1*).
[3] These words and figures were inserted by Bom. 10 of 1928, s. 13 (*a*) (*i*).
[4] The words " notice of demand " were substituted for the original word " bill ", *ibid.*, s. 13 (*a*) (*ii*).
[5] These clauses were substituted for the original by Bom 5 of 1938, s. 31 (*1*) (*b*).
[6] This clause was substituted for the original, *ibid.*, s. 31 (*c*).
[7] This clause was inserted by Bom. 8 of 1918, s. 13 (*d*).
[8] This proviso was added by Bom. 6 of 1913, s. 2.
[9] New proviso (*i*) was inserted by Bom. 10 of 1928, s. 13 (*b*) (*i*).
[10] Original provisos (*i*) and (*ii*) were renumbered provisos (*ii*) and (*iii*) respectively, *ibid.*, s. 13 (*c*).
[11] These letters, word and brackets were substituted for the original word, letter and brackets " and (*d*) " by Bom. 8 of 1918, s. 13 (*e*).

[1][(*iv*) in any case falling under sub-clause (*b*), the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-section (*1*) or sub-section (*1A*) of section 274 or under section 274A, as the case may be, has been affixed to a conspicuous part of the premises,]

(*2*) The expense of cutting off the connection or of turning off the water in any such case as aforesaid shall be paid by the owner or occupier of the premises.

Conditions as to use of water not to be contravened.

280. No person to whom water is supplied by measurement or on payment of a fixed periodical sum shall contravene any condition prescribed under sub-section (*2*) of section 169 for the use of such water, or permit any such condition to be contravened.

Powers of Commissioner to carry private mains through land belonging to other persons.

[2]**[280A.** The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing private water mains, pipes and ducts as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing private drains.]

Water-pipes, etc., not to be placed where water will be polluted.

281. No water-pipes shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool, or in any position where the pipe is likely to be injured or the water therein polluted ; and no well or tank, and except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a [3][privy, water-closet or] cesspool.

Prohibition of fraudulent and unauthorised use of water.

282. (*1*) No person shall fraudulently dispose of any water supplied to him by the corporation.

(*2*) No person to whom a private supply of water is furnished by the corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respect of which water-tax is paid to carry away water from the premises to which it is supplied.

(*3*) No person, who does not reside on premises in respect of which water-tax is paid, shall carry away water from any premises to which a private supply is furnished by the corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

Prohibition of fraud in respect of meters.

283. (*1*) No person shall fraudulently—

(*a*) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied ;

(*b*) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(*2*) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

General Provisions.

Prohibition of wilful or neglectful acts relating to water works.

284. No person shall wilfully or negligently—

(*a*) injure or suffer to be injured any meter belonging to the corporation or any of the fittings of any such meter ;

[1] This paragraph was added by Bom. 5 of 1938, s. 31 (*d*).
[2] This section was inserted by Bom. 8 of 1918, s. 14.
[3] These words were inserted by Bom. 5 of 1905, s. 39.

(*b*) break, injure or open any lock, cock, valve, pipe, work, [1][engine, cistern or fitting] appertaining to any municipal water-work;

(*c*) flush or draw off the water from any such water-work, thereby causing such water to be wasted;

(*d*) do any act [2][or suffer any act to be done] whereby the water in or derived from any municipal water-work shall be wasted;

(*e*) obstruct, divert or in any way injure or alter any water-main or duct;

[3][(*f*) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under section 274A.]

Compensation to be payable by offenders against section 283 or 284.

285. Compensation shall be paid by the offender for any damage which the corporation sustains by reason of any contravention of section 283 or section 284.

What persons to be liable for offences under certain provisions of this Chapter.

[4][**286.** If it shall be shown that an offence against some provision of this Chapter or against some bye-law made under this Act at the time in force relating to water supply has occurred on any premises to which a private supply of water is furnished by the corporation, the owner, the person primarily liable for the payment of water tax and the occupier of the said premises shall be jointly and severally liable for the same.]

When materials and works may be supplied and done under this Chapter for any person by the Commissioner.

[5][**287.** On the written request of any person who is required under any of the provisions of this Chapter to supply any materials, fittings, cistern or lock and key or to do any work, the Commissioner may, on such person's behalf, supply the necessary materials, fittings, cistern or lock and key, as the case may be, or cause the necessary work to be done; but he shall not do so in any case to which the provisions of section 493 or 495 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said material, fitting, cistern, lock and key or work.]

Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.

[6][**287A.** (*1*) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed [7][or any cistern to be supplied with a lock and key] by municipal or other agency under his own orders, without first of all giving the person by whom the same would otherwise have to be executed [7][or supplied] the option of doing [7][or supplying] the same.

(*2*) The expenses of any work so done [8][or of supplying such lock and key] shall be paid by the person aforesaid, unless the corporation shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work [8][or the supply of such lock and key] at the charge of the municipal fund.]

Work under Chapter X to be done by licensed plumber.

[9][**287B.** (*1*) No person other than a licensed plumber shall execute any work described in this Chapter, [10][(other than the provision of a lock and key)] and no person shall permit any such work to be executed except by a licensed plumber.

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[1] These words were substituted for "or engine" by Bom. 5 of 1938, s. 32 (*a*).
[2] These words were inserted by Bom. 8 of 1918, s. 15.
[3] This clause was inserted by Bom. 5 of 1938, s. 32-(*b*).
[4] This section was substituted for the original, *ibid.*, s. 33.
[5] This section was substituted for the original, *ibid.*, s. 34.
[6] Section 287A was inserted by Bom. 5 of 1905, s. 41.
[7] These words were inserted by Bom. 5 of 1938, s. 35.
[8] These words were inserted, *ibid.*, s. 35.
[9] This section was inserted by Bom. 5 of 1938, s 17.
[10] These words and brackets were inserted by Bom. 5 of 1938, s. 36 (*1*).

(*2*) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

[1][(*3*) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water-work into any premises to be laid, applied or executed in contravention of sub-section (*1*), he shall, in addition to being liable to the penalty prescribed for such contravention, not be entitled to an independent or branch connection until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.]

288. The Commissioner may supply water from a municipal water-work to any local authority or person without the city on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the corporation. Power to supply water without the city.

CHAPTER XI.

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Streets.

289. (*1*) All streets within the city, being or which at any time become public streets, and the pavements, stones and other materials thereof shall, vest in the corporation and be under the control of the Commissioner. Vesting of public streets in the corporation.

(*2*) The Commissioner shall from time to time cause all such streets to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or altered and may place and keep in repair fences and posts for the safety of foot-passengers: Powers of Commissioner in respect of public streets

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed five thousand rupees, shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the corporation.

(*3*) With the sanction of the corporation the Commissioner may permanently close the whole or any part of a pulic street: Provided that such sanction of the corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put up in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day of the said meeting, have been received and considered by the corporation.

290. Whenever any public street, or part of a public street, is permanently closed under section 289, the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the corporation. Disposal of land forming site of closed streets.

291. The Commissioner, when authorised by the corporation in this behalf may at any time— Power to make new public streets.

(*a*) lay out and make a new public street;

(*b*) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation, and that such street shall become, on completion, a public street.

[1] This sub-section was substituted for the original Bom. 5 of 1938, 36 (*2*).

[1][(*c*) declare any street made under an improvement scheme duly executed in pursuance of the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, to be a public street]. Bom. IV of 1898. Bom. XVI of 1925

Saving of provisions of sections 37 and 38, Bom. Act VI of 1879.

292. Nothing in sub-sections (*1*) and (*3*) of section 289 or in the two last preceding sections shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879. Bom. VI of 1879.

293. [*Permission to lay tramways or railways on public streets to need the sanction of the corporation and confirmation by Provincial Government.*] *Repealed by Bom. XLVIII of 1948, s. 39.*

Minimum width of new public streets.

294. No new public street made under section 291 shall be less than forty feet in width if such street be made for carriage traffic, or twenty feet if such street be made for foot traffic only ; and no steps and, except with the written permission of the Commissioner under section 310, no other projection shall extend on to any such street.

Power to construct or adopt public bridges, etc. over or under railways, etc.

295. The Commissioner, when authorised by the corporation in this behalf, may agree—

(*a*) with any person to adopt and maintain any existing or projected bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such bridge, viaduct or arch and approaches as parts of public streets, or as property vesting in the corporation ; or

(*b*) for the construction or alteration of any such bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundation and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the corporation.

Power to acquire premises for improvement of public streets.

296. (*1*) The Commissioner may, subject to the provisions of sections 90, 91 and 92—

(*a*) acquire any land required for the purpose of opening, widening, extending, or otherwise improving any public street or of making any new public street, and the buildings, if any, standing upon such land ;

(*b*) acquire in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon, as it shall seem expedient for the corporation to acquire outside of the regular line, or of the intended regular line, of such street ;

(*c*) lease, sell or otherwise dispose of any land or building purchased under clause (*b*).

(*2*) Any conveyance of land or of a building under clause (*c*) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

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[1] Clause (*c*) was inserted by Bom. 13 of 1933, s. 34.

Preservation of Regular Line in Public Streets.

Prescribing the regular line of a street.

[1][297. (*1*) The Commissioner may—

(*a*) prescribe a line on each side of any public street;

(*b*) from time to time, but subject in each case to his receiving the authority of the corporation in that behalf, prescribe a fresh line in substitution for any line so prescribed, or for any part thereof provided that such authority shall not be accorded—

(*i*) unless, at least one month before the meeting of the corporation at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in local newspapers as well as in the [2][*Official Gazette*], and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be prescribed, and

(*ii*) until the corporation have considered all objections to the said proposal made in writing and delivered at the office of the municipal secretary not less than three clear days before the day of such meeting.

(*2*) The line for the time being prescribed shall be called "the regular line of the street."

(*3*) No person shall construct any portion of any building within the regular line of the street except with the written permission of the Commissioner, who shall, in every case in which he gives such permission, at the same time report his reasons in writing to the standing committee.]

Setting back buildings to regular line of the street.

298. (*1*) If any part of a building abutting on a public street is within the regular line of such street, the Commissioner may, whenever it is proposed—

(*a*) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(*b*) to remove, re-construct or make any addition to any portion of such building which is within the regular line of the street,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building require such building to be set back to the regular line of the street.

(*2*) When any building, or any part thereof within the regular line of a public street, falls down, or is burnt down, or is taken down whether under the provisions of section 351 or 354 or otherwise, the Commissioner may at once take possession on behalf of the corporation of the portion of land within the regular line of the street theretofore occupied by the said building, and, if necessary, clear the same.

(*3*) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest, as such, in the corporation.

Acquisition of open land or of land occupied by platforms, etc., within the regular line of a street.

299. (*1*) If any land not vesting in the corporation, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building, or if a platform, verandah, step or some other structure external to a building abutting on a public street, or a portion of a platform, verandah, step or other such structure, is within the regular line of such street,

[1] Section 297 was substituted for the original section by Bom. 5 of 1905, s. 42.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

the Commissioner may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, take possession on behalf of the corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other such structure as aforesaid, or of the portion of the said platform, verandah, step or other such structure aforesaid which is within the regular line of the street, and, if necessary, clear the same and the land so acquired shall thenceforward be deemed a part of the public street.

(*2*) Provided that when the land or building is vested in [1][the Crown, possession shall not be taken as aforesaid without the previous sanction of the Government concerned and, when the land or building is vested] in any corporation constituted by Royal Charter or by an Act of Parliament, or [2][by an Indian law,] possession shall not be taken as aforesaid without the previous sanction of [3][the Provincial Government].

Setting forward of buildings to regular line of the street.

300. (*1*) If any building which abuts on a public street is in rear of the regular line of such street the Commissioner may, whenever it is proposed—

(*a*) to rebuild such building, or

(*b*) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abuts on the said street, to an extent exceeding one-half of such building or portion thereof above the ground-level, such half to be measured in cubic feet,

in any order which he issues, under section 345 or 346, concerning the re-building, alteration or repair of such building, permit or, with the approval of the standing committee, require such building to be set forward to the regular line of the street.

(*2*) For the purposes of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner is erected along the said line.

Compensation to be paid in cases under the three last sections.

301. [4][(*1*) Compensation shall be paid by the Commissioner to the owner of any building or land acquired for a public street under section 298 or 299, for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner under either of the said sections; provided that any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accrue from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation].

(*2*) If, in consequence of any order to set forward a building made by the Commissioner under the last preceding section, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage.

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[1] These words were substituted for the words "Her Majesty or" by the Adaptation of Indian Laws Order in Council.

[2] The words "by an Indian law" were substituted for the words "of the Governor General of India in Council or of the Governor in Council", *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid*

[4] This sub-section was substituted for the original one by Bom. 1 of 1925, s. 19.

(*3*) If the additional land which will be included in the premises of any person required or permitted under the last preceding section to set forward a building belongs to the corporation, the order or permission of the Commissioner to set forward the building shall be a sufficient conveyance to the said owner of the said land ; and the [1][price to be paid to the corporation by the said owner for such additional land and the other] terms and conditions of the conveyance shall be set forth in the said order or permission.

(*4*) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with [2][the price fixed to be paid to the corporation or any of the other] terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Chief Judge of the Small Cause Court, whose decision thereupon shall be conclusive.

Provisions concerning private streets.

Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

[3][**302.** (*1*) Every person who intends—

(*a*) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon, or

(*b*) to divide land into building plots, or

(*c*) to use any land or permit the same to be used for building purposes, or

(*d*) to make or lay out a private street, whether it is intended to allow the public a right of passage or access over such street or not, shall give written notice of his intention to the Commissioner, and shall, along with such notice, submit plans and sections, showing the situation and boundaries of such building land and the site of the private street (if any) and also the situation and boundaries of all other land of such person of which such building land or site forms a part, and the intended development, laying out and plotting of such building land, and also the intended level, direction, and width and means of drainage of such private street and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and, if any building when erected will not abut on a street then already existing or then intended to be made as aforesaid, the means of access from and to such building.

(*2*) Nothing in this section or in section 302A, 302B, 303 or 304 shall be deemed to affect or to dispense with any of the requirements of Chapter XII.]

Commissioner may call for further particulars.

[3][**302A.** If any notice given under section 302 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice to furnish the required information together with all or any of the following documents, namely—

(*a*) correct plans and sections in duplicate of the proposed private street, which shall be drawn to a horizontal scale of not less than one inch to every twenty feet, and a vertical scale of not less than one and a half inches to ten feet and shall show thereon the level of the present surface of the ground above some known fixed datum near the same, the level and rate of inclination of the intended new street, the level and inclination of the streets with which it is intended to be connected, and the proportions of the width which are proposed to be laid out as carriage-way and foot-way respectively ;

[1] These words were added by Bom. 7 of 1921, s. 9(*a*).

[2] These words were substituted for the original words, *ibid.*, s. 9 (*b*).

[3] Sections 302, 302A, 302B, 303 and 304 were substituted for sections 302, 03 and 304 by Bom. 5 of 1920, s. 3.

(*b*) a specification with detailed description of the materials to be employed in the construction of the said street and its footpaths;

(*c*) a plan showing the intended lines of drainage of such street and, of the buildings proposed to be erected and the intended size, depth, and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains;

(*d*) a scheme accompanied by plans and section for the laying out into streets, plots and open spaces of the other land of such person or of so much of such other land as the Commissioner shall consider necessary before applying to the standing committee for their approval of the determination of the Commissioner.]

Commissioner may require plans to be prepared by licensed surveyor.

[1][**302B.** The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 302 or section 302A, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.]

Laying out of land, private streets and buildings to be determined by Commissioner.

[1][**303.** (*1*) The laying out of land for building, the level, direction, width and means of drainage of every private street, and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or in either side of such street shall be fixed and determined by the Commissioner with the approval of the standing committee with the general object of securing sanitary conditions, amenity, and convenience in connection with the laying out and use of the land and of any neighbouring lands.

(*2*) But if, within thirty days after the receipt by the Commissioner of any notice under section 302 or of the plans, sections, description, scheme or further information, if any, called for under section 302A, the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice shall not be communicated to the person who gave the same, the proposals of the said person shall be deemed to have been approved by the Commissioner.]

Land not to be appropriated for building and private streets not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's directions.

[1][**304.** (*1*) No person shall sell, let or use or permit the use of, any land for building, or divide any land into building plots, or make or lay out or commence to make or lay out any private street, unless such person has given previous written notice of his intention as provided in section 302, nor until the expiration of sixty days from delivery of such notice, nor otherwise than in accordance with such directions (if any) as may have been fixed and determined under sub-section (*1*) of section 303.

(*2*) If any act be done or permitted in contravention of this section, the Commissioner may by written notice require any person doing or permitting such act on or before such day as shall be specified in such notice by a statement in writing subscribed by him in that behalf and addressed to the Commissioner, to show cause why the laying out, plotting, street or building contravening this section should not be altered to the satisfaction of the Commissioner, or, if that be in his opinion impracticable, why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or shall require the said person on

[1] Sections 302, 302A, 302B, 303 and 304 were substituted for sections 302, 303 and 304 by Bom. 5 of 1920, s. 3.

such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, and show cause as aforesaid.

(*3*) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished or removed or why such land should not be so restored, the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.]

305. If any private street be not levelled, metalled or paved, sewered, drained, channelled and lighted to the satisfaction of the Commissioner, he may, with the sanction of the standing committee, by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to level, metal or pave, drain and light the same in such manner as he shall direct. Levelling and draining of private streets.

306. (*1*) When any private street has been levelled, metalled or paved, sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owner or of any of the owners of such street, shall, if lamps, lamp-posts and other apparatus necessary for lighting such street have been provided to his satisfaction [1][and if all land-revenue payable to [2][the Provincial Government] in respect of the land comprised in such street has been paid] by notice in writing put up in any part of such street, declare the same to be a public street, and thereupon the same shall become a public street: Power to declare private streets when sewered, etc., public streets.

(*2*) Provided that no such street shall become a public street if, within one month after such notice has been put up, the owner of such street or of the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

Bom. VI of 1879. (*3*) Nothing in this section shall be deemed to affect the provisions of sections 37 and 38 of the Bombay Port Trust Act, 1879.

307. If a portion only of any street is a public street, within the meaning of that term as defined in clause (*x*) of section 3, the other portion of such street may for all purposes of sections 305 and 306 be deemed to be a private street. Applicability of sections 305 and 306 when a street is in part public and in part private.

Projections and Obstructions.

308. (*1*) No person shall erect, set up or place against or in front of any premises any structure or fixture, which will— Prohibition of projections upon streets, etc.

(*a*) overhang, jut or project into, or in any way encroach upon, or obstruct the safe or convenient passage of the public along any street, or

(*b*) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use or proper working of such drain or channel or to impede the inspection or cleansing thereof.

(*2*) The Commissioner may, by written notice, require the owner or occupier of any premises to remove any structure or fixture which has been erected, set up or placed against, or in front of, the said premises in contravention of this section [3][or of section 196 of the [4]Bombay Municipal Act, 1872,] or to alter the same in such manner as the Commissioner thinks fit to direct. Power to require removal of the same.

Bom. III of 1872.

[1]These words were inserted by Bom. 19 of 1930, s. 12.

[2]The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3]These words and figures were inserted by Bom. 4 of 1888, s. 6.

[4]Bom. 3 of 1872 was repealed by s. 2 of this Act.

(*3*) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, set up or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

Power to require removal or alteration, of projections, etc., made before Bom. Act III of 1872 came into force.

309. (*1*) If any such structure or fixture as is described in the last preceding section has been erected, set up or placed against, or in front of, any premises, at any time before the [1]Bombay Municipal Act, 1872, came into force, the Commissioner may give notice as aforesaid to the owner or occupier of the said premises. Bom. III of 1872.

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected, set up or placed, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Projections over streets may be permitted in certain cases.

310. (*1*) The Commissioner may give a written permission, on such terms as he shall in each case think fit, to the owner or occupier of any building abutting on any street—

(*a*) to erect an arcade over such street or any portion thereof, or

(*b*) to put up a varandah, balcony, sunshade, weather-frame or other such structure or thing projecting from any upper storey over any street or portion thereof:

(*2*) Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been previously sanctioned by the corporation.

(*3*) The provisions of section 308 shall not be deemed to apply to any arcade, verandah, balcony, sunshade, weather-frame or other structure or thing erected or put under and in accordance with the terms of a permission granted under this section.

Ground-floor doors, etc., not to open outwards on streets.

311. The Commissioner may at any time, by written notice, require the owner of any premises on the ground-floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion of the Commissioner, to obstruct the safe or convenient passage of the public along such street to have the said door, gate, bar or window altered so as not to open outwards.

Prohibition of structures or fixtures which cause obstruction in streets.

312. (*1*) No person shall, except with the permission of the Commissioner under section 310 or 317, erect or set up any wall, fence, rail, post, step, booth or other structure or fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to, or an encroachment upon, or a projection over, or to occupy, any portion of such street, channel, drain, well or tank.

(*2*) Nothing in this section shall be deemed to apply to any erection or thing to which clause (*c*) of section 322 applies.

Prohibition of deposit, etc., of things in streets.

313. (*1*) No person shall, except with the written permission of the Commissioner,—

(*a*) place or deposit upon any street or upon any open channel, drain or well in any streets [2][or in any public place] any stall, chair, bench, box, ladder, bale or other thing so as to form an obstruction thereto or encroachment thereon;

[1] Bom. 3 of 1872 was repealed by s. 2 of this Act.
[2] These words were inserted by Bom. 19 of 1930, s. 13.

(*b*) project, at a height of less than twelve feet from the surface of the street, any board, or shelf, beyond the line of the plinth of any building, over any street, or over any open channel, drain, well or tank in any street ;

(*c*) attach to, or suspend from, any wall or portion of a building abutting on a street, at a less height than aforesaid, anything whatever.

(*2*) Nothing in clause (*a*) applies to building-materials.

Licence for sale in public places.

[1][**313A.** Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public place or in any public street any article whatsoever, whether it be for human consumption or not.]

Licences for use of skill in handicraft or rendering services for purposes of gain in public place or street.

[2][**313B.** Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain, use his skill in any handicraft or in rendering services to and for the convenience of the public in any public place or public street.]

Commissioner may, without notice, remove anything erected in contravention of section 312, after it comes into force or deposited, etc., in contravention of section 313.

314. The Commissioner may, without notice, cause to be removed—

(*a*) any wall, fence, rail, post, step, booth or other structure or fixture which shall be erected or set up in or upon any street, or upon or over any open channel, drain, well or tank contrary to the provisions of sub-section (*1*) of section 312, after the same comes into force ;

(*b*) any stall, chair, bench, box, ladder, bale, board or shelf, or any other thing whatever placed, deposited, projected, attached, or suspended in, upon, from or to any place in contravention of sub-section (*1*) of section 313 ;

Power to require removal of any structure or fixture erected or set up before section 312 came into force.

315. (*1*) The Commissioner may, by written notice, require the owner or occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture, which it would be unlawful to erect or set up after section 312 comes into force, has been erected or set up before the said section comes into force, to remove the said wall, fence, rail, post, step, stall or other structure or thing.

(*2*) But, if in any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Prohibition of the tethering of animals in the public streets.

316. (*1*) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household, in any public street.

(*2*) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a police officer, or may be removed by a police officer, who shall deal therewith as with an animal found straying.

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[1] Section 313A was added by Bom. 1 of 1925, s. 19A.
[2] This section was inserted by Bom. 5 of 1938, s. 37.
[3] Clause (*c*) inserted by Bom. 19 of 1930, s. 14, was deleted by Bom. 5 of 1938, s. 38.

Temporary Erections on Streets during Festivals.

Commissioner may permit booths, etc., to be erected on streets on festivals.

317. With the concurrence of the Police Commissioner, the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals.

Provisions concerning execution of works in or near to streets.

Street when broken up for any municipal purpose to be restored without delay.

318. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant, for the execution of any work on behalf of the corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in, reinstated and made good with all convenient speed ; and on completion of the work, the surplus of earth and materials, if any, excavated and all rubbish occasioned thereby shall be removed without delay.

Commissioner may close street in which work is in progress.

319. (*1*) The Commissioner may, whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit ; and shall set up in a conspicuous position an order prohibiting traffic to the extent so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(*2*) No person shall, without the permission of the Commissioner or without othe lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, etc., pending execution of municipal work in any street.

320. Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any drainage, water-supply, or means of lighting which may be interrupted by reason of the execution of the said work and shall pay compensation to any person who sustains special damage by reason of the execution thereof.

Precautions to be taken for the public safety whilst municipal works are in progress in any street.

321. (*1*) Whilst the execution of any work on behalf of the corporation is in progress in any street, the Commissioner shall—

(*a*) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings ;

(*b*) have any place where the soil or pavement has been opened or broken up, fenced and guarded ;

(*c*) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 319, for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain set up.

(*2*) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring-timber or fence, or extinguish any light, employed or set up for any of the purposes of this section.

Streets not to be opened or broken up and building-materials not to be deposited thereon without permission.

322. (*1*) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,—

(*a*) open, break up, displace, take up or make any alteration in, or cause any injury to, the soil or pavement, or any wall, fence, post, chain or other material or thing forming part of any street ; or

(*b*) deposit any building-materials in any street;

(*c*) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(*2*) Any permission granted under clause (*b*) or clause (*c*) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours written notice of the termination thereof to the person to whom such permission was granted.

[1][(*3*) Except in cases in which permission has been applied for under clause (*b*) of sub-section (*1*) for the deposit of building-materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed any building-materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (*1*), or which, having been deposited or set up with such permission or authority, have not been removed within the period specified in the notice issued under sub-section (*2*).]

Precautions for public safety to be taken by persons to whom permission is granted under section 322.

323. Every person to whom any permission is granted under section 322 shall, at his own expense, cause the place where the soil or pavement has been opened or broken up or where he has deposited building-materials or set up any scaffold, erection or other thing, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such place to be well lighted during the night.

Persons to whom permission is granted under section 322 must reinstate streets, etc.

324. (*1*) Every person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under other lawful authority, opens or breaks up the soil or pavement of any street, shall with all convenient speed complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

(*2*) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.

325. The Commissioner may, by written notice, require any person to whom permission is granted under section 322 to open or break up the soil or pavement of any street, or who, under any other lawful authority, opens or breaks up the soil or pavement of any street, for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic, for securing access to the premises approached from such street and for any drainage, water-supply or means of lighting which may be interrupted by reason of the execution of the said work.

Hoards to be set up during work on any building adjacent to a street.

326. (*1*) No person who proposes to build, take down or re-build any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered less convenient, commence doing so, without first having caused to be put up

[1] Sub-section (*3*) was inserted by Bom. 6 of 1913, s. 3.

a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

(*2*) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience and, in all cases in which the same is necessary to prevent accidents, the said person shall cause such hoard or fence to be well lighted during the night.

(*3*) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Naming of streets, etc.

Naming streets, and numbering of houses.

327. (*1*) The Commissioner may, from time to time,—

(*a*) with the sanction of the corporation, determine the name by which any street shall be known ;

(*b*) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name of such street as so determined ;

[1][(*c*) with the sanction of the corporation determine the number by which any premises shall be known ;]

[1][(*d*) by written notice require the owner of any premises, either to put up or paint a number on such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Commissioner.]

(*2*) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Commissioner.

[2][(*3*) Where a number is put up or painted on any premises under the orders of the Commissioner in accordance with clause (*d*) of sub-section (*1*), the expenses of such work shall be payable by the owner of the premises :]

Provided that the maximum rate of charge for such work shall be fixed by the Commissioner with the previous sanction of the corporation.

[3][*Sky-signs and Advertisements.*

Regulations as to sky-signs.

[3]**328.** (*1*) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign, whether now existing or not, and no such written permission shall be granted, or renewed, for any period exceeding two years from the date of each such permission or renewal :

Provided that in any of the following cases a written permission or renewal by the Commissioner under this section shall become void, namely :—

(*a*) if any addition to the sky-sign be made except for the purpose of making it secure under the direction of the municipal [4][city engineer ;]

(*b*) if any change be made in the sky-sign, or any part thereof ;

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[1] Clauses (*c*) and (*d*) were substituted for the original clause (*c*) by Bom. 2 of 1911, s. 10 (*1*).

[2] This sub-section was added, *ibid.*, s. 10 (*2*).

[3] This heading and new sections 328 and 328A were substituted for the original heading and section 328 by Bom. 7 of 1921, s. 10.

[4] The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

(*c*) if the sky-sign or any part thereof fall either through accident, decay or any other cause ;

(*d*) if any addition or alteration be made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part thereof ;

(*e*) if the building or structure upon or over which the sky-sign is erected, fixed or retained become unoccupied or be demolished or destroyed.

(*2*) Where any sky-sign shall be erected, fixed or retained after the enactment of this section upon or over any land, building or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(*3*) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice, require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

The expression "sky-sign" shall in this section mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard frame-work or other support. The expression "sky-sign" shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street, but shall not include—

(*a*) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction ;

(*b*) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof :

Provided that such board, frame or other contrivance be of one continuous face and not open work, and do not extend in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or supported ;

(*c*) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway company, and placed wholly upon or over any railway, railway station, yard, platform or station approach belonging to a railway company, and so placed that it cannot fall into any street or public place ;

(*d*) any notice of land or buildings to be sold, or let, placed upon such land or buildings.]

Regulation and control of advertisements.

[1][**328A.** (*1*) No person shall, without the written permission of the Commissioner, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure :

[1] The heading and new sections 328 and 328A were substituted for the original heading and section 328 by Bom. 7 of 1921, s. 10.

Provided always that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which—

(*a*) is exhibited within the window of any building;

(*b*) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same; [1][or to the trade or business carried on by the owner of any tram-car, omnibus or other vehicle upon which such advertisement is exhibited;]

(*c*) relates to the business of any railway company;

(*d*) is exhibited within any railway station or upon any wall or other property of a railway company, except any portion of the surface of such wall or property fronting any street:

Provided also that such permission shall not be necessary for a period of five years after the enactment of this section in respect of advertisements upon a site which was occupied by advertisements on the first day of the month of September one thousand nine hundred and nineteen.

(*2*) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this section upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this section, unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

(*3*) If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this section after the written permission for the erection, exhibition, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

(*4*) [2][(*a*)] The word "structure" in this section shall include [3][a tram-car, omnibus and any other vehicle and any moveable board] used primarily as an advertisement or an advertising medium; [4][and

(*b*) the expression "illuminated advertisement" in this section shall not include an illuminated display of goods, if such display

(*i*) is of goods merely bearing labels showing the name of the article or of its manufacturer or of both, and

(*ii*) is made by lighting which is not, in the opinion of the Commissioner, more than is necessary to make the goods and labels visible at night.]

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[1] These words were inserted by Bom. 19 of 1930, s. 15 (*a*).

[2] The brackets and letter "(*a*)" were inserted by Bom. 12 of 1935, s. 2 (*1*).

[3] These words were substituted for the words "any moveable board on wheels" by Bom. 19 of 1930 s. 15 (*b*).

[4] These words, brackets, figures and letter were added by Bom. 12 of 1935, s. 2 (*2*).

Dangerous places.

329. (*1*) If any place is, in the opinion of the Commissioner, from want of sufficient repair, protection or enclosure, or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons, other than the owner or occupier of the said place, who have legal access thereto or to the neighbourhood thereof, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom. Commissioner to take proceedings for repairing or enclosing dangerous places.

(*2*) The Commissioner may, before giving any such notice or before the period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place. Any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers.

Lighting of streets.

330. The Commissioner shall— Public streets to be lighted.

(*a*) take measures for lighting in a suitable manner the public streets and municipal markets and all buildings vesting in the corporation ; and

(*b*) procure, erect and maintain such a number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose ; and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the corporation shall from time to time determine ; and may—

(*d*) place and maintain electric wires for the purpose of lighting such lamps under, over, along or across, and posts, poles, standards, stays, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immovable property without being liable to any claim for compensation thereanent :

Provided that such wires, posts, poles, standards, stays, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

331. No person shall, without lawful authority, take away or wilfully break, throw down or damage— Prohibition of removal, etc., of lamps.

(*a*) any lamp, lamp-post or lamp-iron set up in any public street or any municipal market or building vesting in the corporation ;

(*b*) any electric wire for lighting any such lamp ;

(*c*) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp ;

and no person shall wilfully extinguish the light or damage any appurtenance of any such lamp.

332. If any person shall, through negligence or accident, break any lamp set up in any public street or municipal market or building vesting in the corporation, he shall pay the expenses of repairing the damage so done by him. Persons accidentally breaking lamp to repair the damage.

Manner of laying gas-pipes.

333. (*1*) No gas-pipe shall be laid in a drain or on the surface of an open channel or house-gully.

(*2*) Gas-pipes shall be laid at the greatest practicable distance from water-pipes, having regard to the width of the street. Where the width of the street will allow of it, the said distance shall not be less than four feet.

(*3*) When it is necessary for a gas-pipe to cross a water-pipe, a gas-pipe shall, if practicable, be laid above the water-pipe. A gas-pipe so laid shall be at least nine feet in length and, as nearly as the situation will admit of, shall be so placed as to form with the water-pipe a right angle and so that no joint in the gas-pipe will be nearer to any water-pipe than four feet. The greatest practicable distance shall be kept between a water-pipe and a gas-pipe which crosses it, and the gas-pipe shall, throughout its entire length, be sufficiently bedded in with good sound clay or other fit material of a proper consistence, which shall be well worked and rammed into a trench all round the gas-pipe.

(*4*) If any gas-pipe be laid in any way contrary to the provisions of this section the Commissioner may make such alteration with respect to such pipe as he shall think necessary and the expenses thereof shall be paid by the person under whose order or management the pipe has been laid.

Situation of gas-pipes, etc., may be altered by Commissioner.

334. (*1*) The Commissioner may, whenever for any of the purposes of this Act it shall appear to him necessary, by written notice, require the owner of any gas-pipe or of any other gas-work laid in any street to raise, sink or otherwise, alter the situation of such pipe or work.

(*2*) Every alteration required to be made under sub-section (*1*) shall be made at the charge of the municipal fund, and compensation shall be paid to the owner by the Commissioner for the damage, if any, which he sustains by reason of such alteration :

(*3*) Provided that no such alteration shall be made which will prevent gas passing through any pipe or work as freely and conveniently as, having regard to all the requirements of this Act, is practicable.

Buildings, etc., not to be erected without permission over municipal gas-pipes.

335. (*1*) Without the written permission of the Commissioner, no building, wall or other structure shall be newly erected, and no street or railway shall be constructed over any gas-pipe belonging to the corporation.

(*2*) If any building, wall or other structure be so erected, or any street or railway be so constructed, the Commissioner may, with the approval of the standing committee, cause the same to be removed or otherwise dealt with as to the Commissioner shall appear fit, and the expenses thereby incurred shall be paid by the person offending.

Watering of Streets.

Measures for watering.

336. The Commissioner may—

(*a*) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit ;

(*b*) procure and maintain such water-carts, animals and apparatus as he shall think fit for the said purpose.

CHAPTER XII.

BUILDING REGULATIONS.

Notices regarding Erection of Buildings.

337. (*1*) Every person who shall intend to erect a building shall give to the Commissioner notice of his said intention in a form, obtained for this purpose under section 344, specifying the position of the building intended to be erected, the description of building, the purpose for which it is intended, [1]* its dimensions [2][and the name of the person whom he intends to employ to supervise its erection.]

Notice to be given to Commissioner of intention to erect a building.

[3][(*2*) In this Chapter "to erect a building" means—

(*a*) newly to erect a building, or

(*b*) to re-erect—

(*i*) any building of which more than three-quarters of the cubical contents of the building above the level of the plinth have been pulled down, or

(*ii*) any masonry walled building of which more than three-quarters of the superficial area of the external walls above the level of the plinth has been pulled down, or

(*iii*) any frame-building of which more than three-quarters of the number of posts have been pulled down, or

(*c*) to convert into a dwelling-house any building not originally constructed for human habitation, or

(*d*) to convert into more than one dwelling-house a building originally constructed as one dwelling-house only;

and a dwelling so erected, re-erected or converted is called in this Chapter "a new building."

[4]**338.** (*1*)] At any time within thirty days after receipt of any notice under section 337, the Commissioner may, by written notice, require the person who has given the notice first herein before in this section mentioned, to furnish to the Commissioner all or any of the following documents, namely :—

Commissioner may require plans and other documents to be furnished.

[5][(*a*) correct plans and sections of every floor of the building intended to be erected, which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions and means of ventilation of and of access to the several parts of such building and its appurtenances [6][and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation] and in the case of a building intended to be used as a dwelling-house for two or more families or for carrying on any trade or business in which a number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress. Such plans and sections shall also show the depth and nature of the foundations and the proposed dimensions of all the walls, posts, columns, beams, joists and all girders and scantlings to be used in the walls, staircases, floors, and roofs of such building;]

[7][(*b*) a specification of each description of work proposed to be executed and of the materials to be employed. Such specification shall include a description of the proposed method of drainage of the building intended to be erected and of

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[1] The word "and" repealed by Bom. 5 of 1905, s. 44, is omitted.
[2] These words were added, *ibid.*
[3] This sub-section was substituted for the original sub-section (*2*) by Bom. 1 of 1916, s.
[4] Section 338 was re-numbered section 338 (*1*) by Bom. 5 of 1905, s. 45 (*1*).
[5] Clause (*a*) was substituted for the original clause (*a*) by Bom. 5 of 1905, s. 45 (*2*).
[6] These words were inserted by Bom. 1 of 1916, s. 5 (*1*).
[7] Clause (*b*) was substituted for the original clause (*b*) by Bom. 5 of 1905, s. 45 (*2*).

(2) The Commissioner may in each case require that the person to be so employed shall be a licensed surveyor; and the Commissioner shall, within seven days from the receipt of the notice of intention under section 337 or 342, as the case may be—

(a) approve the person named therein to supervise the building or work, or

(b) return the said notice for amendment if the person so named—

(i) is not a licensed surveyor, and

(ii) is not, in the opinion of the Commissioner, a fit and proper person to supervise such building or work.

(3) A notice of intention returned for amendment under sub-section (2) shall be deemed not to have been given until it has been re-submitted duly amended.

(4) Where the person so employed dies or ceases to be so employed before such building or work is completed, the further erection of such building, or the further execution of such work, shall forthwith be suspended until—

(a) a licensed surveyor whose name shall be fortwith reported to the Commissioner, or

(b) another person approved by the Commissioner has been so employed.]

When building or work may be proceeded with.

345. If within thirty days after receipt of any notice under section 337 or 342, or of the plan, section, description or further information, if any, called for under section 338, 340 or 343, as the case may be, the Commissioner fails to intimate in writing, to the person who has given the said notice, his disapproval of the building which the said person proposes to erect, or of the work which he proposes to execute;

or if, within the said period, the Commissioner signifies in writing to the said person his approval of the said building or work;

the said person may, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any by-law made under this Act at the time in force.

Building or work which is disapproved by the Commissioner may be proceeded with, subject to terms.

346. (1) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some by-law made hereunder at the time in force or will be unsafe, he may, at any time within thirty days of the receipt of the notice or of the plan, section, description or further information if any, called for under section 338, 340, or 343, as the case may be, by a written notice intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same, and prescribed terms subject to which the building or work may be deemed to be approved by him.

(2) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms prescribed as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-section (1) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any by-law made hereunder at the time in force.

When work may be commenced.

347. (1) No person shall commence to erect any building or to execute any such work as is described in section 342—

(a) until he has given notice of his intention as hereinbefore required to erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period prescribed in this behalf in section 345 or 346;

[1][(*aa*) until he has given notice to the municipal [2][city engineer] of the proposed date of commencement. Where the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given ;]

(*b*) after the expiry of the period of one year prescribed in sections 345 and 346, respectively, for proceeding with the same.

(*2*) If a person, who is entitled under section 345 or 346 to proceed with any building or work, fails so to do within the period of one year prescribed in the said sections, respectively, for proceeding with the same, he may at any subsequent time give a fresh notice of his intention to erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

Building not to be converted to other purposes without the permission of the Commissioner.

[3][**347A.** No person shall, without the written permission of the Commisioner,—

(*a*) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose, or

(*b*) convert into, or use, or permit to be used, as a chawl or building intended to form a range of separate rooms for lodgers, a building not originally designed or authorised to be so used.]

Building for human habitation not to be used as godown, etc.

[4][**347B.** No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission use or permit to be used any building or any part of a building originally constructed or authorised to be used for human habitation as a godown, ware-house, workshop, workplace, factory, stable or a motor garage.]

No alterations to be made in buildings for human habitation without written permission of Commissioner.

[4][**347C.** No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission make any alteration or cause any alteration to be made in an existing building originally constructed or authorised to be used for human habitation for the purpose of using it or causing it to be used as a godown, ware-house, workshop, workplace, factory, stable or motor garage.]

Provisions as to structure, materials, etc.

Provisions as to buildings which are to be newly erected.

348. (*1*) With respect to buildings which are to be newly erected [5]* * *the following provisions shall have effect, namely :—

(*a*) The erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner.

(*b*) The erection of any such building in any part of the city in which the position and direction of the streets likely to be required in the future have not yet been laid down or determined shall, with the assent of the standing committee, be disapproved by the Commissioner, unless the site proposed for such building is, in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for

[1] Clause (*aa*) was inserted by Bom. 5 of 1905, s. 50.

[2] The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

[3] Section 347A was inserted by Bom. 1 of 1916, s. 7.

[4] Sections 347B and 347C were inserted by Bom. 76 of 1948, s. 25.

[5] Words, repealed by Act 3 of 1905, are omitted.

the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water-supply and ventilation : Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied within six months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the erection of his building.

(*c*) The foundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcasses of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner.

(*d*) Every such building intended to be used as a dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf.

[1]* * (*e*) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such building intended to be used as a dwelling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width, shall have between it and the boundary line of the owner's premises an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers, at least five feet wide. Such interior open space shall have an area equal to not less than one-tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior, required by this clause, shall be and be kept free from any erection thereon and open to the sky, and shall be and be kept open to access from each end thereof.

(*f*) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be in every part at least [2][ten] feet in height from the floor to the ceiling.

(*g*) Every such room in the roof of any such building shall have an average height of at least [3][eight] feet from the floor to the ceiling [4][and a minimum height of not less than four feet].

(*h*) Every such room shall have a clear superficial area of not less than [5][one hundred] square feet.

(*j*) In addition to any means of ventilation required by any by-law made under this Act at the time in force, every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superficial area of the side of the room which faces an open space.

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[1] The original clause (*c*) was deleted by Bom. 5 of 1905, s. 51 (*b*) and the subsequent clauses were renumbered accordingly.

[2] The word "ton" was substituted for the word "eight" by Bom. 5 of 1905, s. 51 (*c*).

[3] The word "eight" was substituted for the word "seven" *ibid.*, s. 51 (*d*) (*i*).

[4] These words were inserted, *ibid.*, s. 51 (*d*) (*ii*).

[5] The words "one hundred" were substituted for the word "eighty", *ibid.*, s. 51 (*e*).

(*k*) Huts or sheds, or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require,—

(*i*) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Commissioner thinks proper for ventilation and for facilitating scavenging, and

(*ii*) with such and so many privies, latrines or urinals and such means of drainage as the Commissioner deems necessary; and

(*iii*) at such a level as will suffice for the means of drainage required by the Commissioner.

(*2*) Nothing in clause (*a*) shall be deemed to affect the power of [1][the Central Government] to determine, under section 38 of the Bombay Port Trust Act, 1879, any dispute which arises between the Trustees of the Port of Bombay and the Commissioner as to whether any road within the limits of the property of the said trustees has been duly levelled, metalled or paved, sewered and drained.

Bom. IV of 1879.

349. (*1*) No external wall and no covering of a roof built or renewed since the Bombay Municipal Act, 1872[2], came into force shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

Bom. III of 1872.

Roofs and external walls of buildings not to be of inflammable materials.

(*2*) If any external wall or covering of a roof is or has been, since the said Act came into force, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

[3][**349A.** (*1*) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy feet as measured from the level of the centre of the street in front—

Maximum height of buildings.

(*a*) in the case of a pitched roof, up to the tie-beam of the roof, and

(*b*) in the case of a flat roof up to the surface of the roof.

(*2*) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees.

(*3*) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section (*1*).]

[3][**349B.** Subject to the maximum prescribed by section 349A, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following rules, namely :—

Height of buildings with reference to width of streets.

(*1*) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street;

(*2*) if the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet; and

(*3*) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street;

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[1] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Bom. 3 of 1872 was repealed by s. 2 of this Act.

[3] Sections 349A and 349B were inserted by Bom. 5 of 1905, s. 52.

(*4*) where the building abuts upon more than one street, its height shall be regulated by the wider of such streets so far as it abuts upon such wider street and also, to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets :

Proviso in case of set-back.

Provided that, if the face of the building is set-back from the street at any height not exceeding the height specified in sub-section (*1*), sub-section (*2*) or sub-section (*3*), as the case may be, such building may be erected or raised to a height greater than that so specified, but not so that any portion of the building shall intersect any of a series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set-back, at an angle of forty-five degrees with the horizontal.]

Frame-buildings.

[1][**349C.** After the commencement of this Act no building the external walls of which are of timber-framed construction shall be erected or re-erected so as to consist of more than one ground floor and one upper storey :

Provided that the Commissioner may by special order grant permission for the erection of such a building of more than two storeys or for the construction of one or more additional storeys if satisfied that such building will be or is of thoroughly sound material and construction and can safely support the same.]

Provision of sufficient means of egress.

[2][**349D.** Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the approval of the standing committee, by written notice require the owner or occupier of the building to alter or reconstruct any existing staircase in such manner or to provide such additional or emergency staircases, as he may prescribe.]

Inspection.

Inspection of buildings in course of erection, alteration, etc.

350. The Commissioner may at any time during the erection of a building or the execution of any such work as is described in section 342 make an inspection thereof, without giving previous notice of his intention so to do.

Proceedings to be taken in respect of buildings or work commenced contrary to section 347.

351. (*1*) If the erection of any building or the execution of any such work as is described in section 342, is commenced contrary to the provisions of section 347, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 354, shall—

(*a*) by written notice, require the person who is erecting such building or executing such work, or has erected such building or executed such work, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down ; or

(*b*) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally, or by an agent duly authorised by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered or pulled down.

(*2*) If such person shall fail to show sufficient cause, to the satisfaction of the Commissioner, why such building or work shall not be removed altered or pulled down, the Commissioner, with the approval of the standing committee, may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

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[1] Section 349C was inserted by Bom. 5 of 1905, s. 52.
[2] Section 349D wasinserte d by Bom. 2 of 1911, s. 12.

Buildings or works commenced contrary to section 347 may be cut into and laid open for purposes of inspection.

352. (*1*) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in the last preceding section anything has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, or that anything required by any such provision or by-law to be done has been omitted to be done;

and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained;

the Commissioner may, with the approval of the standing committee, by written notice, require the person who has erected such building or executed such work or is erecting such building or executing such work to cause so much of the building or work as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(*2*) If it shall thereupon be found that in the erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or of any by-law made under this Act at the time in force, and that nothing required by any such provision or by-law to be done has been omitted to be done, compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

Enforcement of provisions concerning buildings and works.

353. The Commissioner may, at any time during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice, specify any matter in respect of which the erection of such building or the execution of such work may be in contravention of any provision of this Act or of any by-law made under this Act at the time in force, and require the person erecting or executing or who has erected or executed such building or work, or, if the person who has erected or executed such building or work is not at the time of the notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or by-law to be amended or to do anything which by any such provision or by-law may be required to be done but which has been omitted to be done.

Completion certificates: permission to occupy or use.

[1]**353A.** (*1*) Every person who employs a licensed surveyor or person approved by the Commissioner to erect a building or execute any such work as is described in section 342 shall, within one month after the completion of the erection of such building or the execution of such work, deliver or send or cause to be delivered or sent to the Commissioner at his office, notice in writing of such completion, accompanied by a certificate in the form of Schedule T signed by the person employed under section 344A, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work:

Provided that—

(*a*) such inspection shall be commenced within seven days from the date of receipt of the notice of completion, and

(*b*) the Commissioner may, within seven days from the date of commencement of such inspection, by written intimation addressed to the person from whom the notice of completion was received, and delivered at his address as stated in such notice, or, in the absence of such address, affixed to a conspicuous part of the building to which such notice relates—

(*i*) give permission for the occupation of such building or for the use of the building or part thereof affected by such work, or

[1] Section 353A was inserted by Bom. 5 of 1905, s. 53.

(*ii*) refuse such permission in case such building has been erected or such work executed so as to contravene any provision of this Act or of the by-laws.

(*2*) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any such work, until—

(*a*) the permission referred to in proviso (*b*) to sub-section (*1*) has been received, or

(*b*) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate as aforesaid his refusal of the said permission.]

Dangerous Structures.

Removal of structures, etc., which are in ruins or likely to fall.

354. (*1*) If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall or other structure and anything affixed to or projecting from, any building, wall or other structure) is in a ruinous condition, or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to pull down, secure or repair such structure, and to prevent all cause of danger therefrom.

(*2*) The Commissioner may also if he thinks fit, require the said owner or occupier, by the said notice, either forthwith or before proceeding to pull down, secure or repair the said structure, to set up a proper and sufficient hoard or fence for the protection of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for passengers outside of such hoard or fence.

[1][*Works unlawfully carried on.*]

Power of Commissioner to direct removal of person directing.

[1][**354A.** Where the erection of a building or the execution of any such work as is described in section 342 has been unlawfully commenced or is being unlawfully carried on upon any premises, the Commissioner may after three days' notice direct that any person directing or carrying on such erection or execution shall be removed from such premises by any police officer.]

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[2]CHAPTER XIIA.

City Improvement.

Transfer of right, etc., of the Board to the corporation.

354B. (*1*) From the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, all the property, interests, rights and liabilities of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925, in respect of any improvement scheme, street scheme, deferred street scheme, poorer classes accommodation scheme, reclamation scheme, or police accommodation scheme, duly sanctioned or executed before the said date in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, shall, save in so far as they are restricted or modified by the provisions of this Chapter and of sections 91A, 91B and 91C, vest in the corporation.

Bom. XIII of 1933. Bom. XVI of 1925. Bom. IV of 1898. Bom XVI of 1925.

[1] This heading and section 354A were inserted by Bom. 5 of 1905, s. 54.
[2] New Chapter XIIA was inserted by Bom. 13 of 1933, s. 35.

Bom. IV of 1898. Bom. XVI of 1925. Bom. XIII of 1933.

(*2*) It shall be the duty of the corporation to execute, with due diligence, any improvement scheme, street scheme, deferred street scheme, poorer classes accommodation scheme, reclamation scheme, or police accommodation scheme, duly sanctioned in accordance with the provisions of the City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, before the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, which remains unexecuted on that date, until the completion of the scheme.

Improvement Schemes.

Commissioner to make a draft improvement scheme.

354C. (*1*) [1][If it shall appear to the Commissioner—

(A) that within certain limits in any part of the city]—

(*a*) and buildings used, or intended or likely to be used, for human habitation, are unfit for human habitation, or

(*b*) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings, or groups of buildings, within such limits, or the want of light, air, ventilation or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings; and that the evils connected with such buildings and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, or

(*c*) it is necessary to provide for the construction of buildings for the accommodation of the poorer and working classes, [2][or,

(B) that for the purpose of providing building sites for the expansion of the city, or of remedying the defective ventilation of any part of the city, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the city it is expedient to form new or to alter existing streets in any part of the city,]

the Commissioner may—

(*i*) with the previous approval of the corporation, which shall not be given unless the corporation are satisfied of the sufficiency of their resources, draw up a notification stating that the Commissioner proposes to make an improvement scheme, the area to which the resolution relates and naming a place where a map of the area may be seen at all reasonable hours;

(*ii*) during three consecutive weeks publish simultaneously in the [3][*Official Gazette*] and in some one or more English and in some two or more vernacular newspapers circulating within the city a copy of the said notification;

(*iii*) proceed to make a draft improvement scheme and submit the scheme to the Improvement Committee for approval.

(*2*) In making an improvement scheme more than one area may be included in one improvement scheme.

(*3*) With the previous approval of the corporation the Commissioner may, for the purpose of making an improvement scheme, cause surveys to be made in areas either inside or outside the limits of the area comprised in the scheme to be made.

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[1] These words, brackets and letter were substituted for the words "If it shall appear to the Commissioner that within certain limits in any part of the city—" by Bom. 12 of 1936, s. 6 (*1*).

[2] These words, brackets and letter were inserted, *ibid.*, s. 6 (*2*).

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

No improvement schemes for areas for which housing schemes sanctioned under Bom. LXIX of 1948.

[1][**354CC.** Notwithstanding anything contained in this chapter, no improvement scheme shall be made for any area for which a housing scheme has been sanctioned under the provisions of the Bombay Housing Board Act, 1948. LXIX of 1948.

Improvements Committee to consider and approve draft scheme submitted by Commissioner.

354D. On the submission by the Commissioner of a draft improvement scheme the Improvements Committee shall take such scheme into their consideration and may approve the same with or without such alteration as it thinks fit.

Particulars to be provided for in an improvement scheme.

354E. (*1*) The improvement scheme, which may exclude any part of the area included in the notification referred to in section 354C, or include any neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is expedient,—

(*i*) shall, within the limits of the area comprised in the scheme, provide for—

(*a*) the acquisition of any land which will, in the opinion of the Commissioner, be necessary for or affected by the execution of the scheme;

(*b*) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets;

(*c*) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewering of streets so formed or altered;

(*d*) the lighting of streets so formed or altered;

(*ii*) may, within the limits aforesaid, provide for—

(*a*) raising any land which the Commissioner may deem expedient to raise for the better drainage of the locality;

(*b*) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area;

(*c*) the whole or any part of the sanitary arrangements required; and

(*iii*) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer and working classes including the whole or part of such classes to be displaced in the execution of the scheme. Such accommodation shall be deemed to include shops.

(*2*) The improvement scheme may exclude any part of the area included in the notification referred to in section 354C or include any neighbouring land, provided that the Commissioner is of opinion that such exclusion or inclusion is necessary for the proper carrying out of the scheme and provided further that previous notice of such inclusion shall have been given in the manner prescribed in section 354C (*1*) (*ii*).

Considerations which shall prevail in making the scheme.

354F. In making an improvement scheme for any area, regard shall be had to the conditions and nature of neighbouring parts of the city and of the city as a whole, and to the likelihood of improvement schemes being required for the neighbouring and other parts of the city.

Procedure on completion of the scheme.

354G. (*1*) Upon the approval of an improvement scheme by the Improvements Committee the Commissioner shall forthwith draw up a notification stating the fact of a scheme having been made, the limits of the area comprised therein, and naming

[1] This section was inserted by Bom. 69 of 1948, s. 75, Schedule.

a place where particulars of the scheme, a map of the same and a statement of the land proposed to be acquired, may be seen at all reasonable hours, and shall—

(*a*) communicate a copy of such notification, particulars, map and statement to the corporation ;

(*b*) publish the notification in the manner prescribed for the publication of a notification under section 354C.

(*2*) During the thirty days next following the first day on which such notification is published, the Commissioner shall serve a notice on every person whose name appears in the Commissioner's Assessment-book as primarily liable for the payment of the property taxes leviable under this Act on any land or building proposed to be acquired by the Commissioner in executing the scheme. The notice shall state that such land or building is proposed to be acquired by the Commissioner on behalf of the corporation for the purpose of an improvement scheme and shall require an answer stating whether the person so served dissents or not in respect of the acquisition of such land or building, and if the person dissents requiring the reasons of such dissent to be given, within thirty days from the date of service of the notice.

Right of owner to demand acquisition on issue of notification when building operations are in progress.

354H. (*1*) If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 354G, and if the owner of such land shall prove to the satisfaction of the Collector that at the date of the said notification building operations were in progress on such land or any part thereof and the buildings were structurally complete up to the first floor level, the Collector shall call upon the Commissioner to acquire such land.

(*2*) On receipt of such notice the Commissioner shall forthwith report the matter to the Improvements Committee and the said Committee shall then resolve whether in their opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate their resolution within two months to the corporation who shall within one month after receipt thereof communicate to the Commissioner the decision of the corporation in the matter, and thereupon the Commissioner shall forthwith in accordance with such decision either proceed to acquire such land or shall give written notice to the owner that the proposal to acquire has been withdrawn.

(*3*) If the corporation decide to acquire the land the Commissioner shall give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894.

I of 1894.

(*4*) If the corporation withdraw from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of land proposed to be acquired, made in accordance with any notification drawn up under section 354G, until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

Right of owner to demand acquisition or withdrawal by the corporation after the lapse of two years from the date of notification.

354I. (*1*) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 354G may at any time before the publication of a declaration under section 354M and after the expiry of one year from the date of such notification by written notice to the Commissioner setting out the particulars of such land call upon the Commissioner to acquire such land on behalf of the corporation.

(*2*) On receipt of such notice the Commissioner shall forthwith report the matter to the Improvements Committee and the said Committee shall resolve whether in their opinion it is desirable to acquire the land set out in the notice and

shall communicate their resolution within two months to the corporation which shall within two months after the receipt thereof communicate to the Committee and Commissioner the decision of the corporation in the matter and thereupon the Commissioner shall in accordance with such decision either decide to acquire such land or shall give notice to the owner that he has withdrawn the proposal to acquire.

(*3*) If the corporation decide to acquire the land they shall instruct the Commissioner to give notice of such decision to the Collector and to the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 6 of the Land Acquisition Act, 1894. I of 1894.

(*4*) If the corporation withdraw from the proposal to acquire any land under sub-section (*2*) such land shall not be included in any statement of land proposed to be acquired made in accordance with any notification drawn up under section 354G until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

The Improvements Committee after publication and service of notices to forward the scheme to the corporation for approval.

354J. (*1*) Upon compliance with the foregoing provisions with respect to the publication of notices of the scheme the Commissioner shall submit to the Improvements Committee any representation or answer received under section 354G together with any suggestion he may wish to make in respect of the modification of the scheme.

(*2*) The Improvements Committee shall after consideration of any such representation, answer or suggestion and after inserting in the scheme such modifications as they think fit, submit the scheme together with any representation, answer or suggestion to the corporation for their approval.

Corporation to consider the improvement scheme and to approve or disapprove.

354K. The corporation shall on receipt of a scheme from the Improvements Committee proceed to take such scheme into consideration together with any representation, answer or suggestion received or made under section 354G or 354J and shall, after having approved the scheme with or without modification or declined to approve the scheme, pass a resolution to that effect.

Commissioner to apply to Provincial Government for sanction to the scheme.

354L. (*1*) As soon as the corporation have approved the scheme the Commissioner shall apply to [1][the Provincial Government] on behalf of the corporation for sanction to the scheme.

(*2*) If the corporation do not approve the scheme they shall pass a resolution to that effect. The Commissioner shall thereupon forthwith draw up a notification stating the fact that the corporation have resolved not to proceed with the making of the said improvement scheme and shall publish the said notification in the manner prescribed in section 354C. Thereupon the notifications relating to the scheme published under sections 354C and 354G shall be deemed cancelled.

(*3*) The application to [1][the Provincial Government] for sanction under sub-section (*1*) shall be accompanied by—

(*a*) a copy of the resolution passed by the Improvements Committee under section 354D;

(*b*) a copy of a resolution passed by the corporation under section 354C;

(*c*) a description with full particulars of the scheme including the reasons for any modifications inserted therein;

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*d*) complete plans and estimates of the cost of executing the scheme ;

(*e*) a statement specifying the land proposed to be acquired ;

(*f*) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (*2*) of section 354G dissented, with the reasons (if any) stated by such persons for dissent, in respect of the acquisition of their land ;

(*g*) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification relating to the land under section 354G, of all land specified in the statement under clause (*e*) and of any other land wholly or partially situated within 80 feet from either side of any street to be formed or altered in executing the scheme.

On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration the Commissioner to be authorised to execute the scheme.

354M. (*1*) (*a*) On receipt of the sanction of [1][the Provincial Government], the Commissioner shall forward to [1][the Provincial Government] a declaration for notification under the signature of a Secretary to [1][the Provincial Government] stating the fact of such sanction and that the land proposed to be acquired by the corporation for the purposes of the scheme is required for a public purpose.

(*b*) The declaration shall be published in the [2][*Official Gazette*] and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(*c*) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Commissioner shall upon the publication of the said declaration, proceed to execute the scheme.

(*2*) (*a*) If at any time it appears to the Commissioner, the Improvements Committee or the corporation, as the case may be, that an improvement can be made in any part of the scheme, the corporation may alter the scheme for the purpose of making such improvement, and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section, forthwith proceed to execute the scheme as altered.

(*b*) If the estimated net cost of executing the scheme as altered exceeds by ten per cent. the estimated net cost of executing the scheme as sanctioned, the Commissioner shall not, without the previous sanction of the corporation and of [1][the Provincial Government], proceed to execute the scheme as altered.

(*c*) If the scheme as altered involves the acquisition, otherwise than by agreement, of any land other than that specified in the schedule accompanying the scheme under sub-section (*3*) of section 354L the provisions of sections 354G and 354L and of sub-section (*1*) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

If the corporation fail to acquire the land owner may call upon committee to acquire it or to withdraw from the proposal.

354N. If, within three years from the declaration aforesaid, the corporation fail to acquire the land or any part of the land proposed to be acquired for the purposes of any scheme notified after the City of Bombay Municipal (Amendment) Act, 1933, comes into operation, the owner of any land included in the declaration may, by written notice setting out the particulars of such land, call upon the corporation to acquire such land or to withdraw from the proposal to acquire it. Thereafter the procedure prescribed in sub-sections (*2*) to (*4*) of section 354I shall be followed.

Bom. XIII of 1933.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Police Accommodation Schemes.

The corporation to have power to make a police accommodation scheme.

354O. (*1*) When a representation is made by [1][the Provincial Government] to the corporation that within any part of the city accommodation is required for housing any part of the Police of the city, the corporation shall take such representation into their consideration, and, if satisfied of the sufficiency of their resources and that it is otherwise expedient, shall pass a resolution to the effect that a scheme for providing such accommodation ought to be made, and shall direct the Commissioner to forthwith proceed to make a police accommodation scheme.

(*2*) The police accommodation scheme may provide for constructing dwellings, police stations and accessory buildings for any or all classes of such Police, and for acquiring, raising and levelling any land required for the execution of the scheme.

Procedure on completion of a scheme.

354P. Upon completion of a police accommodation scheme, the provisions of sections 354G to 354M shall, with all necessary modifications, be applicable to the scheme in the same manner as if the scheme were an improvement scheme.

Vesting of land in corporation.

354Q. (*1*) When such scheme is sanctioned by [1][the Provincial Government], in the case of land specified in Schedule W [1][the Provincial Government] shall resume the land, and the said land shall thereupon vest in the corporation.

(*2*) The Commissioner shall then proceed to execute the police accommodation scheme.

(*3*) Any building constructed under this section shall with the site be held by [1][the Provincial Government] for police purposes for a term of sixty years from the date of the completion of the building, and [1][the Provincial Government] shall, during the said period, pay yearly to the corporation by way of rent a sum equal to the total of—

(*a*) the annual interest payable by the corporation on all moneys, which they have spent on the scheme, and

(*b*) sinking fund charges so calculated that at the end of the said period the aggregate in the sinking fund shall amount to the total sum spent on the scheme, such total sum shall include—

(*i*) all moneys spent on interest and sinking fund charges up to the date of the commencement of the said period ;

(*ii*) if and so far as the land included in the scheme is not part of the land specified in Schedule W the cost of such land ;

(*iii*) preliminary expenses and an allowance for management and supervision up to the date of the commencement of the said period.

(*4*) The cost of such land for the purposes of this section shall be deemed to be—

(*a*) if and so far as the land has been acquired for the scheme, the actual cost of its acquisition, and

(*b*) in all other cases the market value of the land at the date of the declaration of the scheme.

(*5*) [1][The Provincial Government] shall maintain the building held by them under sub-section (*3*) in a state of proper repairs.

(*6*) On the expiration of the period of sixty years the building and the land forming the site thereof shall vest absolutely in His Majesty.

(*7*) This section shall apply to all police accommodation schemes sanctioned heretofore by [1][the Provincial Government] in accordance with the provisions of

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Bom. IV of 1898, Bom. XVI of 1925.

the [1][City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, as if such schemes had been sanctioned under the provisions of this Act.

Minimum width of streets.

354R. (*1*) No new public street made under any scheme executed in pursuance of the provisions of this Chapter shall, if made for carriage traffic, be less than 40 feet in width, nor, if made for foot traffic only be less than 20 feet in width :

Provided that where in an improvement scheme or otherwise provision is made for a garden or open space on one or both sides of a public street throughout its length on such terms as to preclude such garden or space being built over, when the total width between the buildings on opposite sides of the street, including such garden or space, is not less than 40 feet, the street between such buildings need not, if made for carriage traffic, be more, and shall not be less, than 20 feet in width, and, if made for foot traffic only, need not be more, and shall not be less, than 10 feet in width.

(*2*) Service passages for sanitary purposes need not be more and usually shall not be less than 10 feet in width, and, in the case of such passages, the Commissioner may enter into an agreement with any person as to the supervision, repair, lighting and general management thereof, but such service passages shall not be considered to be streets for the purposes of this Chapter.

Extent to which Land Acquisition Act shall apply to acquisition of land otherwise than by agreement.

I of 1894.

354S. Notwithstanding anything contained in the Land Acquisition Act, 1894 (in this and the next succeeding sections referred to as "the Land Acquisition Act"), the Land Acquisition Act shall not, except to the extent set forth in Schedule CC, apply to the acquisition of land under this Chapter, but the Land Acquisition Act shall, to the extent set forth in the said schedule, regulate and apply to the acquisition of land otherwise than by agreement, and shall for that purpose be deemed to form part of this Chapter in the same manner as if enacted in the body hereof, subject to the provisions of this Chapter and to the provisions following namely :—

(*1*) a reference to any section of the Land Acquisition Act shall be deemed to be a reference to such section, as modified by the provisions of this Chapter, and the expression "land", as used in the Land Acquisition Act, shall be deemed to have the meaning assigned to it by clause (*r*) of section 3 of this Act, and clause (*b*) of section 3 of the Land Acquisition Act shall, for the purposes of this Chapter, be read as if the words and parentheses "(including the Crown)" were inserted after the words "includes all persons", and the words "or if he is the owner of any right created by legislative enactment over any street forming part of the land" were added after the words "affecting the land" ;

(*2*) in the construction of sub-section (*2*) of section 4 of the Land Acquisition Act and the provisions of this Chapter the provisions of the said sub-section shall, for the purposes of this Act, be applicable immediately upon the passing of a resolution under sub-section (*1*) of section 354C or 354O, as the case may be, and the expression "[2][Provincial Government]" shall be deemed to include the Commissioner, and the words "such locality" shall be deemed to mean the locality referred to in any such resolution ;

[1] The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which has been repealed by Bom. 13 of 1933.

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

(*3*) in the construction of the sections of the Land Acquisition Act deemed to form part of this Chapter and of the provisions of this Chapter, the publication of a notification under sub-section (*1*) of section 354G or 354P shall be deemed to be the publication of a notification under sub-section (*1*) of section 4 of the Land Acquisition Act and the date of publication of the declaration under section 354M or 354P shall be deemed to be the date of the publication of the declaration under section 6 of the Land Acquisition Act:

Provided that where land is acquired under section 354H or sub-section (*3*) of section 354I the date of publication of the notification under sub-section (*1*) of section 354G shall be deemed to be the date of publication of a declaration under section 6 of the Land Acquisition Act:

Provided further that the provisions of sub-section (*2*) of section 23 of the Land Acquisition Act shall apply when land, other than land forming part of any sanctioned scheme prepared in accordance with the provisions of section 354D, is acquired specifically under this Act for the purpose of a police accommodation scheme; and that in all other cases in which the land is notified for acquisition after the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation additional compensation in consideration of the compulsory nature of the acquisition shall be awarded on the scale set out in Schedule DD. Bom. XIII of 1933.

(*4*) In the construction of sub-section (*2*) of section 50 of the Land Acquisition Act and the provisions of this Chapter the Commissioner shall be deemed to be the local authority or company concerned.

Special provisions as to compensation.

354T. In determining the amount of compensation to be awarded for any land or building acquired under this Act, the following further provisions shall apply:—

(*1*) The Court shall take into consideration any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land or from the acquisition, alteration, or demolition of the building;

(*2*) when any addition to, or improvement of, the land or building has been made after the date of the publication under sub-section (*1*) of section 354G or section 354P of a notification relating to the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made, so as to increase the amount of compensation to be paid for the land or building;

(*3*) in estimating the market value of the land or building at the date of the publication of a notication relating thereto under sub-section (*1*) of section 354G or section 354P the Court shall have due regard to the nature and the condition of the property and the probable duration of the building if any in its existing state and to the state of repair thereof and to the provisions of clauses (*4*), (*5*) and (*6*) of this section;

(*4*) if in the opinion of the Court the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not

be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding;

Explanation.—For the purposes of this sub-section overcrowding shall be be interpreted as in sub-sections (*4*) and (*5*) of section 379A;

(*5*) if in the opinion of the Court the building is in a state of defective sanitation, or is not in reasonably good repair the amount of compensation shall not exceed the estimated value of the property after the building has been put into a sanitary condition, or into reasonably good repair, less the estimated expense of putting it into such condition, or repair;

(*6*) if in the opinion of the Court the building being used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation for the building shall not exceed the value of the materials, less the cost of demolition.

Collector to take possession after making an award and transfer land to corporation.

354U. When the Collector has made an award under section 11 of the Land Acquisition Act, as applied by this Act, he may take possession of the land which shall thereupon vest absolutely in His Majesty free from all encumbrances, and the Collector shall, upon payment of the cost of the acquisition, make over charge of the land to the Commissioner and the land shall thereupon vest in the corporation subject to the liability of the Commissioner to pay on behalf of the corporation any further costs which may be incurred on account of the acquisition of the land.

Compensation to corporation on resumption of certain land.

354V. Whenever any land specified in Schedule W is resumed by [1][the Provincial Government], or any land specified in Schedule Y and vested in the corporation is taken possession of by [1][the Provincial Government] under the provisions of this Act, the market value of the land as at the date of resumption as determined by the Collector, or in appeal by the High Court, shall be paid to the corporation by [1][the Provincial Government].

Power to grant loans for building purposes.

354W. (*1*) Subject to the provisions of this Act and of the bye-laws made thereunder the Commissioner may, with the previous sanction of the Improvements Committee, advance loans to persons desiring to erect buildings on land vested in the corporation in consequence of the transfer to them of the property of the Board of Trustees for the Improvement of the City of Bombay constituted under the City of Bombay Improvement Trust Transfer Act, 1925.

Bom. XVI of 1925.

(*2*) Any person desiring to erect a building on any such land may make an application to the Commissioner in the form prescribed by the bye-laws for a loan to be advanced by way of a mortgage on the security of the building to be so erected; and the Commissioner may, after making such enquiry as he thinks necessary, and subject to the conditions mentioned in sub-sections (*1*) and (*3*) and the bye-laws made under section 461, advance such loans.

(*3*) Every such loan shall be subject to the following among other conditions:—

(*1*) that the building in respect of which the loan is advanced shall be used wholly or mainly for residential purposes;

(*2*) that the aggregate amount of the loan shall not exceed twenty thousand rupees in any individual case;

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*3*) that the period within which the loan shall be repayable shall not exceed twenty years from the date of the first occupation of the building;

(*4*) that the amount of the loan shall not exceed 60 per cent. of the cost of the building (including outhouses and other works, if any, connected therewith) irrespective of the period of repayment;

(*5*) that the person to whom the loan is advanced shall execute a mortgage of the building (including outhouses and other works, if any, connected therewith) together with the site on which they are erected in favour of the corporation containing such covenants and conditions as may be prescribed in the bye-laws.

Payment to be made by Provincial Government.

354X. [1][The Provincial Government] shall pay to the corporation, from the date on which the City of Bombay Municipal (Amendment) Act, 1933, comes into operation and until the ninth day of November 1997, all rents and profits derived by [1][the Provincial Government] from the lands specified or referred to in Schedule Z. Bom. XIII of 1933.

CHAPTER XIII.

Licensing of Surveyors and Plumbers.

Grant of licences to surveyors and plumbers.

355. (*1*) The Commissioner may grant to any person he thinks fit a licence to act as a surveyor or as a plumber for the purposes of this Act. Each such licence shall be for a renewable period of one year.

(*2*) If any applicant for a license to act as a surveyor is a licentiate of civil engineering or a person who has passed some test of professional qualification equivalent to that for a licentiate of civil engineering, his application shall not be refused by the Commissioner, except with the approval of the standing committee and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such license.

(*3*) If the Commissioner refuses any application for a licence under this section he shall, at the request of the applicant, furnish such applicant with his reasons, for such refusal in writing under his signature, without charge.

Regulations may be prescribed for guidance of licensed surveyors and plumbers.

356. The Commissioner may, with the approval of the standing committee from time to time prescribe regulations for the guidance of licensed surveyors and plumbers, respectively, and a copy of all regulations so prescribed at the time in force shall be written on the back of every licence granted to a surveyor or plumber, respectively.

Fees and charges of licensed plumbers to be prescribed by the standing committee.

357. The standing committee may from time to time prescribe the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act; and no licensed plumber shall demand or receive more than the fee or charge so prescribed for any such work.

Licensed plumber to be bound to execute work properly.

358. No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

[1] The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

CHAPTER XIV.

MUNICIPAL FIRE-BRIGADE.

359. (*1*) With a view to the discharge by the corporation of the duty of extinguishing fire and protecting life and property in case of fire, the Commissioner shall provide, in the schedule of municipal officers and servants from time to time prepared by him under section 79, for a force of firemen, with a proper number of officers over them to be called "the municipal fire-brigade", and shall furnish the said brigade with all such fire-engines, fire-escapes, horses, accoutrements, tools, implements and means of inter-communication as may be necessary for the efficient discharge of their duties. Maintenance of firemen and of necessary fire engines, etc.

(*2*) A person may be appointed to be a member of the fire-brigade in addition to any other office or employment of such person.

360. The Commissioner shall from time to time make regulations for— Power to make regulations for fire-brigade.

(*a*) the training discipline and good conduct of the men belonging to the fire-brigade,

(*b*) their speedy attendance with engines, fire-escapes and all necessary implements on the occasion of any alarm of fire,

(*c*) the maintenance of the said brigade generally in a due state of efficiency.

361. [1][(*1*)] On the occasion of a fire the chief or other officer in charge of the fire-brigade may, subject to such orders as the Commissioner may from time to time issue in this behalf, take the command of all municipal officers and servants present and of any other persons who voluntarily place their services at his disposal; and may— Powers of chief officer of fire-brigade at a fire.

(*a*) remove, or order any firemen or other officer or person under his command to remove any persons who interfere by their presence with the operations of the fire-brigade;

(*b*) take generally any measures that appear expedient for the protection of life and property, with power, by himself or by the persons under his command, to break into or through or take possession of, or pull down any premises for the purpose of putting an end to such fire, doing as little damage as possible;

(*c*) cause the water to be shut off from the mains and pipes of any district in order to give a greater supply and pressure of water in the district in which the fire has occurred and utilize the water of any well or tank available for the purpose of extinguishing such fire.

[1][(*2*) The power conferred by clause (*b*) of sub-section (*1*) shall include a power to enter on any vessel within the dock area of the port of Bombay.]

362. It shall be the duty of all police officers and of all municipal officers and servants to aid the fire-brigade in the execution of their duties. They may close any street in or near which a fire is burning and remove any persons who interfere by their presence with the operations of the fire-brigade. Police and municipal officers and servants to aid the fire-brigade.

[1] Section 361 was renumbered as sub-section (*1*) of that section and sub-section (*2*) was added to that section by Bom. 9 of 1945, s. 2, read with Bom. 8 of 1948, s. 2.

Damages done by fire-brigade to be deemed damage by fire.

363. Any damage occasioned by the fire-brigade in the due execution of their duties, or by any police or municipal officer or servant who aid the fire-brigade, shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Reports of fires to be submitted.

364. A report of every fire which occurs in the city shall be submitted by the chief or other officer in charge of the fire-brigade, not later than the day following the fire, to the Commissioner, who shall make such further inquiry, if any, as he may deem necessary and shall furnish a weekly return of all fires which occur in the city to the standing committee.

CHAPTER XV.

SANITARY PROVISIONS.

Scavenging and Cleansing.

Commissioner to provide for cleansing of streets and removal of refuse.

365. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measures for securing—

(*a*) the daily surface-cleansing of all streets in the city and the removal of the sweepings therefrom ;

(*b*) the removal of the contents of all receptacles and depôts and of the accumulations at all places provided or appointed by him under section 367 or 368 for the temporary deposit of any of the matters specified in the said sections.

Refuse, etc., to be the property of the corporation.

366. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 369 shall be the property of the corporation.

Provision and appointment of receptacles, depots and places for refuse, etc.

367. [1]* * The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depôts and places for the temporary deposit or final disposal of—

(*a*) dust, ashes, refuse and rubbish ;

[2][(*b*) trade refuse ;]

[3][(*c*) carcasses of dead animals, and excrementitious and polluted matter :

[1]* * Provided that—

[4](*i*) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the corporation or in any place or manner which [5][the Provincial Government] think fit to disallow ;

[4](*ii*) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

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[1] The figures (1) and (2) were omitted by Bom. 1 of 1925, s. 20 (*1*).
[2] This new clause (*b*) was inserted, *ibid.*, s. 20 (*2*).
[3] Old clause (*b*) was re-lettered (*c*), *ibid.*, s. 20 (*3*).
[4] The old clauses (*c*) and (*d*) were re-lettered (*i*) and (*ii*), *ibid.*, s. 20 (*4*).
[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[1][**368.** (*1*) It shall be incumbent on the owners and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice, from time to time prescribes in the public receptacle, depôt or place provided or appointed under the last preceding section for the temporary deposit or final disposal thereof.

Duty of owners and occupiers to collect and deposit dust, etc.

(*2*) Provided that the Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises, to cause all dust, ashes, refuse and rubbish, but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposited temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(*3*) It shall be incumbent on the owners of all premises to provide receptacles of a size to be prescribed by the Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and place and retained in such positions as the Commissioner may, from time to time, by written notice direct.

(*4*) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-sections (*1*) and (*2*) of this section.]

369. When the Commissioner has given public notice, under clause (*a*) of section 142, of his intention to provide, in a certain portion of the city, for the collection, removal and disposal, by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of the city.

Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter.

370. It shall be incumbent on the occupier of any premises situate in any portion of the city for which the Commissioner has not given a public notice under clause (*a*) of section 142 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be collected and to be conveyed to the nearest receptacle or depôt provided for this purpose under clause (*b*) of section 367, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time prescribes.

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

371. In any portion of the city in which the Commissioner has given a public notice under clause (*a*) of section 142, and in any premises, wherever situate, in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written permission of the Commissioner, for any person, who is not employed by or on behalf of the Commissioner, to disharge any of the duties of halalkhors.

Halalkhor's duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

[1] Section 368 was substituted for the original section by Bom. 1 of 1925, s. 21.

372. No person—

Prohibition of failure to remove refuse, etc., when bound to do so;

(*a*) who is bound, under section 368 of section 370, to cause the removal of dust, ashes, refuse, [1][rubbish and trade refuse] or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose;

removal of refuse, etc., contrary to orders or without proper precautions;

(*b*) shall remove any dust, ashes, refuse, [2][rubbish or trade refuse] or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time being in force under section 368, or use for the removal of any excrementitious or polluted matter any vehicle or vessel not having a covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom;

failure to clear away any refuse, etc., which drops during removal;

(*c*) shall, whilst engaged, in the removal of any dust, ashes, refuse [2][rubbish or trade refuse], or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal, any portion thereof may fall and entirely to remove these sweepings;

leaving filth carts, etc., unnecessarily in the streets;

(*d*) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter, or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

throwing or placing refuse, etc., in any place not assigned for the purpose;

(*e*) shall throw or place any dust, ashes, refuse, [2][rubbish or trade refuse] or any excrementitious or polluted matter, on any street, or in any place not provided or appointed for this purpose under section 367 or 368;

allowing filthy matter to flow or soak from any premises and keeping anything thereupon so as to create a nuisance.

(*f*) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom, or keep or suffer to be kept therein or thereupon, anything so as to be a nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presumption as to offender under clause (*e*) of section 372.

373. If it shall in any case be shown that dust, ashes, refuse, [3][rubbish or trade refuse] or any excrementitious or polluted matter, has or have been thrown or placed on any street or place, in contravention of clause (*e*) of the last preceding section, from some building or land, it shall be presumed, until the contrary proved, that the said offence has been committed by the occupier of the said building or land.

Inspection and sanitary regulation of premises.

Power to inspect premises for sanitary purposes.

374. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Cleansing and lime-washing of any building may be required.

375. If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected, to cause the same or some portion thereof to be lime-washed or otherwise cleansed, either externally or internally, or both externally and internally.

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[1] These words were substituted for the original words "and rubbish" by Bom. I of 1925, s. 22.
[2] These words were substituted for the original words "or rubbish", *ibid.*
[3] These words were substituted for the original words "or rubbish", *ibid.*, s. 23.

[1][**375A.** If it shall appear to the Commissioner that any tiles, stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk or in such way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may by written notice require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as shall in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.] Removal of building materials from any premises may be required.

376. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the city, or to any person who is known or believed to claim to be the owner, if such person is resident within the city, and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance. Abandoned or unoccupied premises.

377. (*1*) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, are resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or with the approval of the standing committee, may require him to take such other order with the same as the Commissioner thinks necessary. Neglected premises.

[2][(*1-A*) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the standing committee require them to take such other order with the same as the Commissioner may think necessary : provided that nothing herein contained shall affect the provision of section 365 :] Neglected private streets.

(*2*) Provided that in so far as the unwholesome or filthy condition of such premises [3][or such street] or such nuisance as abovementioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises [3][or such street].

[4][**377A.** (*1*) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance or to be likely to give rise to one, by reason of rain-water leaking from its roof or any part of its roof the Commissioner may give a notice in writing to the owner of such building requiring him to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the acts to be specified in the notice. Nuisance arising from defective roof.

[1] Section 375A was inserted by Bom. 1 of 1916, s. 8.
[2] Sub-section (*1-A*) was added *ibid.*, s. 9 (*a*).
[3] These words were inserted, *ibid.*, s. 9 (*b*).
[4] This new section 377A was added by Bom. 1 of 1925, s. 24.

(*2*) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section (*1*) give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(*3*) If the owner of the building by whose act, default or sufference such nuisance has arisen or continues is unknown or cannot be found, the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.]

Buildings or rooms in buildings unfit for human habitation.

[1][**378.** (*1*) If for any reason it shall appear to the Commissioner that any building or any room in a building intended for or used as a dwelling is unfit for human habitation, he shall give to the owner or occupier of such building notice in writing stating such reason and signifying his intention to prohibit the further use of the building or room, as the case may be, as a dwelling and shall by such notice call upon the owner or occupier aforesaid to state in writing any objection thereto within thirty days after the receipt of such notice, and if no objection is raised by such owner or occupier within such period as aforesaid, or if any objection which is raised by such owner or occupier within such period appears to the Commissioner invalid or insufficient, he may, with the previous approval of the standing committee, by an order in writing, prohibit, the further use of such building or room as a dwelling :

Provided that, before such approval is given, the owner or occupier aforesaid shall have the right of appearing before the standing committee in person or by agent and of showing cause why such approval should not be given.

(*2*) When any such prohibition as aforesaid has been made, the Commissioner shall cause notice of such prohibition to be affixed to, and the letters " U. H. H. " to be painted on the door or some conspicuous part of such building or room, as the case may be, and no owner or occupier of such building or room shall use or suffer the same to be used for human habitation until the Commis ioner certifies in writing that the building or room, as the case may be, has been rendered fit for human habitation.]

Power of Commissioner to call for statement of accommodation.

[2][**379.** (*1*) The owner of a building shall, within a period of seven days after receipt of a written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof :

(*a*) the total number of rooms in the building,

(*b*) the length, breadth and height of each room, and

(*c*) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(*2*) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :—

(*a*) the total number of persons dwelling in the building or any part of it,

(*b*) the number of use of each room by day and by night, and

(*c*) the number, sex and age of the occupants of each room used for sleeping.]

[1] Section 378 was substituted by Bom. 6 of 1916, s. 6.

[2] Section 379 was substituted for the original section by Bom. 5 of 1905, s. 55.

[1][379A. (*1*) Where it appears to the Commissioner, whether from any certificate furnished under section 379 or otherwise, that any building or any room or rooms therein used for human habitation is overcrowded, he may apply to a Presidency Magistrate to prevent such overcrowding; and the said Magistrate, after such inquiry as he thinks fit to make, may prescribe the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building, within a reasonable time not exceeding ten days to be prescribed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants, or other inmates of the said building or room or rooms, in accordance with the maximum so prescribed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper. Overcrowded dwellings.

(*2*) Where the owner of the said building has sublet the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the said building.

(*3*) Every tenant, lodger or other inmate of the said building shall vacate on being required by the owner so to do in pursuance of any order under sub-section (*1*).

(*4*) A room used exclusively as a dwelling shall be deemed to be over-crowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than twenty-five superficial feet and for each person under the age of ten years less than twelve and one-half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age counting as one adult.

(*5*) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each person under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less than three hundred cubic feet, two children under ten years of age counting as one adult.]

380. If the Commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely, by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety; Insanitary huts and sheds.

He may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

[2]**381.** [3][(*1*) (*i*) For the purposes of this section, a nuisance shall include— Filling in of pools, etc., which are a nuisance.

(*a*) any pool, ditch, tank, well, pond, quarry-hole, drain, water-course or any collection of water; or

[1] Section 379A was inserted by Bom. 5 of 1905, s. 55.
[2] This section was substituted for the original section by Bom. 6 of 1913, s. 4.
[3] New sub-section (*1*) was substituted for the original sub-section (*1*) by Bom. 10 of 1928, s. 14 (*a*).

(*b*) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon-season whether within or outside a building; or

(*c*) any land on which water accumulates or is likely to accumulate; or

(*d*) any premises or any part of any premises occupied, or unoccupied, or under construction, reconstruction or demolition; which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause (*z*) of section 3.

(*ii*) The Commissioner may, by notice in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues, or is likely to arise, and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, owner, lessee and occupier, to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the Commissioner shall prescribe in such notice.

(*iii*) The Commissioner may also by any notice under clause (*ii*) or by another notice, served on such person, owner, lessee and occupier, or on any one or more of them, require them, or any one or more of them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose, and may serve any such further notice notwithstanding that the nuisance may have been abated or removed if he considers that it is likely to recur:

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(*iv*) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (*ii*) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction, or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor.]

(*2*) If [1][any person who, by a requisition made under sub-section (*1*), is required] to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the standing committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 517 for failure to comply with such requisition except with the approval of the standing committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 489 and, pending the standing committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely

[1] These words, figure and brackets were substituted for the original words by Bom. 10 of 1928, s. 14 (*b*) (*i*).

covered over, so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the standing committee, whether the expenses of any work already done as aforesaid shall be paid by such [1][person], or by the Commissioner out of the municipal funds or shall be shared, and, if so, in what proportions.]

Permission for new well, etc.

[2][**381A.** (*1*) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

(*2*) If any such work is begun or completed without such permission the Commissioner may either—

(*a*) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall prescribe, or

(*b*) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (*1*).]

Dangerous quarrying may be stopped.

382. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may, with the approval of the standing committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees, shrubs and hedges.

383. (*1*) If, in the opinion of the Commissioner,—

(*a*) any hedge is at any time insufficiently cut or trimmed, or over-grown with prickly-pear or other rank vegetation; or

(*b*) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or over-hangs or obstructs any street to the inconvenience or danger of passengers therein;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing—

(*c*) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom; or

(*d*) to remove, cut, lop or trim such tree or shrub, as the case may be.

(*2*) In any case falling under clause (*b*), the Commissioner may, if for the public safety it shall appear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Keeping and Destruction of Animals and Disposal of Carcasses.

Prohibitions as to keeping animals.

384. (*1*) No person shall—

(*a*) without the written permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of the city;

[1] The word "person", was substituted for the original word "owner", by Bom. 10 of 1228, s. 14 (*b*) (*ii*).

[2] Section 381A was inserted by Bom. 6 of 1913, s. 5.

(*b*) keep any animal on his premises so as to be a nuisance or dangerous to any person ;

(*c*) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter.

(*2*) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

Stabling animals or storing grain in dwelling house may be prohibited.

[1][**384A.** Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely,

(*a*) for keeping any horse, cow, buffalo, bullock, goat or donkey, or

(*b*) as a godown or place for the storage, in connection with wholesale trade, of grain, seed or groceries,

the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose ; provided that the Commissioner may permit such use subject to such conditions as he may think fit to prescribe.]

Removal of carcasses of dead animals.

[2][**385.** (*1*) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within the city.

(*2*) The occupier of any premises in or upon which any animals shall die or in or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in the street or in any open place, shall within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the municipal health department office of the division of the city in which the death occurred or in which the carcass is found.

(*3*) For every carcass so removed by municipal agency, a fee for the removal, of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.]

Regulation of public bathing, washing, etc.

Places for public bathing, etc., to be fixed by the Commissioner.

386. The Commissioner may from time to time set apart portions of the seashore or other suitable places vesting in the corporation for use by the public for bathing, for the washing of animals or for drying clothes, and may from time to time, by public notice, prohibit the use by the public of any portion of the seashore or place not vesting in the corporation for any of the said purposes.

Regulation of use of public bathing places, etc.

387. (*1*) The Commissioner may, by public notice, regulate the use by the public—

(*a*) of any portion of the seashore or other place vesting in the corporation set apart by him for any purpose under the last preceding section ;

(*b*) of any portion of the seashore or other place not vesting in the corporation used, with his acquiescence, for any purpose mentioned in the last preceding section ;

[1] Section 384A was inserted by Bom. I of 1916, s. 10.

[2] This section was substituted for the original section by Bom. 5 of 1920, s. 4.

(*c*) of any work and of the water in any work assigned and set apart under section 270 for any particular purpose.

(*2*) In the case of any portion of the seashore or of any place or work set apart, assigned or used as aforesaid for bathing, the Commissioner may, in such notice, prescribe the times and places of bathing for persons of each sex.

388. Except as permitted by any order or regulation made under section 270, 386 or 387, no person shall— Prohibition of bathing, etc., contrary to order or regulation.

(*a*) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore or other place vesting in the corporation ;

(*b*) wash or cause to be washed in or near any such place or work, any animal, clothes or other article ;

(*c*) throw, put or cause to enter into the water in any such place or work, any animal or other thing ;

(*d*) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything, whereby the water shall be in any degree fouled or corrupted ;

(*e*) dry clothes in or upon any such place.

And no person shall—

(*f*) in contravention of any prohibition made by the Commissioner under section 386, use any portion of the seashore or any place not vesting in the corporation for any purpose mentioned in the said section ;

(*g*) contravene any regulation made by the Commissioner under section 387 for the use of any such portion of the seashore or place for any such purpose

389. No person shall— Prohibition of corruption of water by steeping therein animal or other matter, etc.

(*a*) steep in any tank, reservoir, stream, well or ditch any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health ;

(*b*) whilst suffering from any contagious or loathsome disease, bathe in or near any lake, tank, reservoir, fountain, cistern, duct, standpipe, stream or well or on any part of the seashore.

Regulation of Factories, Trades, etc.

390. (*1*) No person shall newly establish in any premises any factory, workshop or workplace in which it is intended that steam, water or other mechanical power shall be employed, without the previous written permission of the Commissioner, [1][nor shall any person work, or allow to be worked, any such factory, workshop or workplace without such permission]. Factory, etc., not to be newly established without permission of the Commissioner.

(*2*) The Commissioner may refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood.

[2][(*3*) If any written permission for the establishment of a factory, workshop or workplace granted under sub-section (*1*) be revoked by the Commissioner in the exercise of his powers under sub-section (*3*) of section 479, no person shall continue or resume the working or use of such factory, workshop or workplace until such written permission is renewed or a fresh written permission is granted by the Commissioner.]

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[1] These words were inserted by Bom. I of 1916, s. 11 (*a*).

[2] Sub-section (*3*) was added, *ibid.*, s. 11 (*b*).

Furnaces used in trade or manufacture to consume their own smoke.

391. (*1*) No person shall—

(*a*) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable, consume its own smoke; or

(*b*) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(*2*) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

Sanitary regulation of factories, etc.

392. (*1*) Whenever it shall appear to the Commissioner that any factory, [1]* * workshop or workplace, or any building or place in which steam, water or other mechanical power is employed, is not kept in a cleanly state or is not ventilated in such a manner as to render harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance,

or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein,

or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb;

the Commissioner may, by written notice, require the owner of such factory, [1]* * workshop, workplace or other building or place to take such order for putting and maintaining the same, in a cleanly state, or for ventilating the same, or for preventing the same from being overcrowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(*2*) Nothing in this section shall be deemed to affect any provision of the [2]Bombay Boiler Inspection Act, 1887, and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply on any factory to which the provisions of the [3]Indian Factories Act, 1881, are applicable. Bom. III of 1887. XV of 1881.

Prohibition of use of steam-whistle or steam-trumpet without permission of the Commissioner.

393. (*1*) No person shall, without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

(*2*) The Commissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same.

(*3*) Provided that nothing in sub-section (*2*) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (*3*) of section 479.

Certain things not to be kept, and certain trades and operations not to be carried on, without a license.

[4]**[394.** (*1*) Except under [5][and in conformity with the terms and conditions of] a license granted by the Commissioner no person shall—

(*a*) keep, in or upon any premises, for any purpose whatever,

(*i*) any article specified in Part I of Schedule M, or

(*ii*) any article specified in Part II of Schedule M, in excess of the quantity therein prescribed as the maximum quantity of such article which may at any one time be kept in or upon the same premises without a license;

[1] The word "bakehouse" was repealed by Bom. 2 of 1911, s. 14.

[2] Bom. 3 of 1887 was repealed by Bom. 2 of 1891 which was repealed by Bom. 5 of 1917, which was again repealed by Act 5 of 1923, Central Acts.

[3] Act 15 of 1881 is repealed by Act 12 of 1911 (the Indian Factories Act, 1911) which is again repealed by Act 25 of 1934, Central Acts.

[4] Section 394 was substituted for the original section by Bom. 2 of 1911, s. 15.

[5] These words were inserted by Bom. 6 of 1913, s. 6.

(*b*) keep, in or upon any premises, for sale or for other than domestic use, any article specified in Part III of Schedule M;

[1][(*bb*) keep, in or upon any building intended for or used as a dwelling or within fifteen feet of such building, cotton, in pressed bales or boras or loose, in quantity exceeding four hundred-weights;]

(*c*) keep or allow to be kept, in or upon any premises, horses, cattle or other four-footed animals—

(*i*) for sale,

(*ii*) for letting out on hire,

(*iii*) for any purpose for which any charge is made or any remuneration is received, or

(*iv*) for sale of any produce thereof;

(*d*) carry on, or allow to be carried on, in or upon any premises—

(*i*) any of the trades or operations connected with trade specified in Part IV of Schedule M;

(*ii*) any trade or operation which in the opinion of the Commissioner is dangerous to life, health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same is, or is proposed to be carried on;

[2][(*e*) carry on within the city or use any premises for the trade or operation of a farrier.]

(*2*) A person shall be deemed to have known that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of paragraph (*ii*) of clause (*d*) of sub-section (*1*), after written notice to that effect, signed by the Commissioner, has been served on such person or affixed to the premises to which it relates.

[3][(*3*) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of paragraph (*ii*) of clause (*d*) of sub-section (*1*) if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise.

[4](*4*) It shall be in the discretion of the Commissioner—

(*a*) to grant any licence referred to in sub-section (*1*) subject to such restrictions or conditions (if any) as he shall think fit to prescribe, or

(*b*) to withhold any such licence.

[4](*5*) Every person to whom a licence is granted by the Commissioner under sub-section (*3*) shall keep such licence in or upon the premises [5][if any] to which it relates.

[4](*6*) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk or jute or to any other large mill or factory which the Commissioner may from time to time with the approval of the standing committee specially exempt from the operation thereof.]

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[1] This clause was inserted by Bom. 6 of 1916, s. 7.

[2] New clause (*e*) was inserted by Bom. 19 of 1930, s. 16 (*i*).

[3] Sub-section (*3*) was added by Bom. 1 of 1925, s. 25 (*1*).

[4] Sub-sections (*3*), (*4*) and (*5*) were respectively re-numbered as sub-sections (*4*), (*5*) and (*6*), *ibid.*, s. 25 (*2*).

[5] The words "if any" were inserted by Bom. 19 of 1930, s. 16 (*ii*).

Prohibition of corruption of water by chemicals, etc.

395. (*1*) No person engaged in any trade or manufacture specified in Schedule M shall—

(*a*) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(*b*) wilfully do any act connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern, well, duct or other place for water is fouled or corrupted.

(*2*) The Commissioner may, after giving not less than twenty-four hours' previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits;

and if, upon such examination, it appears that sub-section (*1*) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conduits, the expenses of such laying open and examination, and of any measure which the Commissioner shall, in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened;

but if it appear that there has been no contravention of the said sub-section, that said expenses and compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

Inspection of premises used for manufactures, etc.

396. (*1*) The Commissioner may at any time, by day or by night, without notice, enter into or upon any premises used for any of the purposes mentioned in section 394, and upon any premises in which a furnace is employed for the purpose of any trade or manufacture, and into any bakehouse, in order to satisfy himself as to whether any provision of this Act or any by-law made under this Act at the time in force or any condition of any licence granted under this Act is being contravened, and as to whether any nuisance is created upon such premises.

(*2*) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry: provided that force shall not be used for effecting an entry, unless when there is reason to believe that an offence is being committed against some provision of this Act or some by-law made under this Act.

Regulation of washing of clothes by washermen.

397. (*1*) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose;

and, when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

Washing places to be provided by the Commissioner for washermen.

(*2*) The Commissioner shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the standing committee.

Maintenance and Regulation of Markets and Slaughter-houses.

398. All markets and slaughter-houses which belong to or are maintained by the corporation shall be called "municipal markets" or "municipal slaughter-houses". All other markets and slaughter-houses shall be deemed to be private. What to be deemed municipal markets and slaughter-houses.

399. (*1*) The Commissioner, when authorised by the corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein as he shall think fit. Provision of new municipal markets and slaughter-houses.

(*2*) Municipal slaughter-houses may be situate within or, with the sanction of [1][the Provincial Government], without the city.

400. The Commissioner may, with the sanction of the corporation and of [1][the Provincial Government], at any tine, close any municipal market or slaughter-house; and the premises occupied for any market or slaughter-house so closed may be disposed of as the property of the corporation. Municipal markets and slaughter-houses may be closed.

401. (*1*) No person shall, without a licence from the Commissioner, sell or expose for sale any animal or article in any municipal market. Prohibition of sale in a municipal market without licence of Commissioner.

(*2*) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

402. (*1*) The corporation shall from time to time determine whether the establishment of new private markets shall be permitted in the city or in any specified portion of the city. Opening of new private markets.

(*2*) No person shall establish a new private market for the sale of, or for the purpose of exposing for sale, animals intended for human food, or any other article of human food, except, with the sanction of the Commissioner, who shall be guided in giving such sanction by the decisions of the corporation at the time in force under sub-section (*1*). [2][The owner or occupier of a place in which a private market is established shall, for the purposes of this sub-section, be deemed to have established such market.]

(*3*) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in the English, Marathi, Gujarati and Urdu languages on some conspicuous spot on or near the building or place where such market is to be held.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were added by Bom. 5 of 1938, s. 39.

Private markets not to be kept open without a licence.

403. (*1*) No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(*a*) keep open [1][or permit to be kept open] a private market;

(*b*) use [1][or permit to be used] any place in the city as a slaughter-house or for the slaughtering of any animal intended for human food;

(*c*) use [1][or permit to be used] any place without the city, whether as a slaughter-house or otherwsie, for the slaughtering of any animal intended for human food to be consumed in the city.

(*2*) Provided that—

(*d*) the Commissioner shall not refuse, cancel or suspend any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 406 or with some by-law made under this Act, at the time in force; and shall not cancel or suspend any such licence without the approval of the standing committee;

[2][(*dd*) the Commissioner may with the previous approval of the standing committee cancel or suspend, any licence for failure of the owner of a private market to give in accordance with the conditions of his licence a written receipt for any stallage, rent, fee or other payment received by him or his agent from any person for the occupation or use of any stall, shop, standing, shed, pen or other place therein;]

(*e*) nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances;

(*3*) when the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in the English, Marathi, Gujarati and Urdu languages on some conspicuous spot on or near the building or place where such market has been held.

Prohibition of sale in unauthorized private markets.

404. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of food.

Provision for requiring private market-building and slaughter-houses to be properly paved and drained.

405. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house, to cause—

(*a*) the whole of any portions of the floor of the market-building, market-place or slaughter-house to be paved with dressed stone or other suitable material;

(*b*) such drains to be made in or from the market-building, market place or slaughter-house, of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary.

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[1] These words were inserted by Bom. 5 of 1938, s. 40.

[2] Clause (*dd*) was inserted by Bom. 32 of 1935, s. 12.

406. The Commissioner may, with the approval of the standing committee, from time to time make regulations, not inconsistent with any provision of this Act or of any by-law made under this Act at the time in force— Regulations to be framed for markets and slaughter houses.

(*a*) for preventing nuisances or obstruction in any market-building, market place or slaughter-house or in the approaches thereto ;

(*b*) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use ;

(*c*) for keeping every market-building, market-place and slaughter-house in a cleanly and proper state, and for removing filth and refuse therefrom ;

(*d*) requiring that any market-building, market-place or slaughter-house be properly ventilated and be provided with a sufficient supply of water ;

(*e*) requiring that in market-buildings and market-places, passages be provided between the stalls of sufficient width for the convenient use of the public.

407. The Commissioner may— Levy of stallages, rents and fees in municipal markets and slaughter-houses.

(*a*) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house, and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-house such stallages, rents and fees as shall from time to time be fixed by him, with the approval of the standing committee, in this behalf ; or

(*b*) with the approval of the standing committee, from the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time ; or

(*c*) put up to public auction, or, with the approval of the standing committee, dispose of, by private sale, the privilege of occupying or using any stall, shop, standing, shed or pen, in a municipal market or slaughter-house for such term and on such conditions as he shall think fit.

[1][407A. (*1*) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be prescribed by him, remove any live cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house : Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter-house, market or premises and which has not been within such slaughter-house, market or premises for a period longer than that prescribed under regulations made by the Commissioner in this behalf, or which has in accordance with any by-law made under this Act, been rejected as unfit for slaughter at such slaughter-house, market or premises.

(*2*) Any fee paid for premission under sub-section (*1*) in respect of any animal removed to a Panjrapole shall, subject to the regulations made by the Com issioner in this behalf, be refunded on the production of a certificate from the Panjrapole authorities that such animal has been received in their charge.]

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[1] New section 407A was inserted by Bom. 12 of 1936, s. 7.

Notwithstanding anything contained in the City of Bombay Municipal (Amendment) Act, 1936 (Bom. 12 of 1936), it shall be deemed always to have been lawful for the Commissioner prior to the commencement of the said Act, to require his written permission, for the removal of any cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house and to fix and charge fees for the grant of such permission. (*Vide* Bom. 12 of 1936, s. 10.)

Regulations and table of stallage rents to be posted up in markets and slaughter-houses.

408. (*1*) A printed copy of the regulations and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under the [1][sections 406, 407 and 407A], in the English, Marathi, Gujarati and Urdu languages, shall be affixed in some conspicuous spot in the market-building, market-place or slaughter-house.

(*2*) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

Power to expel persons contravening bylaws or regulations.

409. The Commissioner may expel from any municipal market or slaughter-house any person, who or whose servant has been convicted of contravening any by-law made under this Act, or any regulation made under section 406, at the time in force in such market or slighter-house and may prevent such person, by himself or his servants, further carrying on any trade or business in such market or slaughter-house or occupying any stall, shop, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Sale of Articles of food outside of markets.

Prohibition of sale of animals, etc., except in a market.

410. (*1*) Except as hereinafter provided, no person, shall without a licence from the Commissioner, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market:

(*2*) Provided that nothing in sub-section (*1*) shall apply to fresh fish sold from, or exposed for sale in, a vessel in which it has been brought direct to the seashore after being caught at sea.

Licensing of butchers, etc.

Butchers and persons who sell the flesh of animals to be licensed.

411. No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf—

(*a*) carry on within the city, or at any municipal slaughter-house the trade of a butcher;

(*b*) use any place in the city for the sale of the flesh of any animal intended for human food, or any place without the city for the sale of such flesh for consumption in the city.

Prohibition of import of cattle, etc., into the city without permission.

[2][**412.** (*1*) No person shall without the written permission of the Commissioner bring into the city any cattle, sheep, goats or swine intended for human food, or the flesh of any such animal which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

(*1-A*) Any Police Officer may arrest without warrant any person bringing into the city and animal or flesh in contravention of sub-section (*1*).

(*2*) Any animal brought into the city in contravention of this section may be seized by the Commissioner or by any municipal officer or servant and any flesh brought into the city in contravention of this section may be seized by the Commissioner or by any municipal officer or servant or by any Police Officer or in or upon Railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, shall belong to the corporation.

(*3*) Nothing in this section shall be deemed to apply to cured or preserved meat.]

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[1] The words, figures and letter "sections 406, 407 and 407A" were substituted for the words "two last preceding sections" by Bom. 12 of 1936, s. 8.

[2] This section was substituted for the original section by Bom. 2 of 1911, s. 16.

[1]412A. No person shall without or otherwise than in conformity with the terms of a licence granted by the Commissioner in this behalf— Licence required for dealing in milk, etc.

(*a*) carry on within the city the trade or business of a dealer in or importer or seller or hawker of milk, [2][butter [3][ghee] or other milk products];

(*b*) use any place in the city for the sale of milk, [2][butter [3][ghee] or other milk products].

Inspection of places of sales, etc.

413. (*1*) If the Commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provision of this Act, the Commissioner, may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any by-law made under this Act at the time in force is being contravened thereat. Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act is suspected.

(*2*) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry.

414. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale and intended for human food or for medicine, the proof that the same was not exposed or hawked about or deposited or brought for any such purpose or was not intended for human food or for medicine resting with the party charged. Commissioner to provide for inspection of articles exposed for sale for human food.

415. (*1*) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same. Unwholesome articles, etc., to be seized.

(*2*) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human food or for medicine, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any article prepared, manufactured or contained therein unwholesome or unfit for human food or for medicine, as the case may be, he may seize and carry away such animal, article, utensil or vessel, in order that the same may be dealt with as hereinafter provided [4][and he may arrest and take to the nearest Police Station any person in charge of any such animal or article].

[5]* * * * *

416. If any meat, fish, vegetable or other article of a perishable nature be seized under the last preceding section and the same is, in the opinion of the Commissioner, diseased, unsound, unwholesome or unfit for human food or for medicine, as the case may be, the Commissioner shall cause the same to be forthwith Disposal of perishable articles seized under section 415.

[1] Section 412A was inserted by Bom. 6 of 1913, s. 7.
[2] These words were inserted by Bom. 6 of 1916, s. 8.
[3] The word "ghee" was inserted by Bom. 32 of 1935, s. 13.
[4] These words were inserted by Bom. 6 of 1913, s. 8.
[5] The explanation added to s. 415 by Bom. 2 of 1899, s. 5 (*1*) (*a*) was repealed by Bom. 10 of 1928, s. 15.

destroyed in such manner as to prevent its being again exposed for sale or used for human food or for medicine, and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Disposal of animals and articles of a non-perishable nature seized under section 415.

417. (*1*) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 415 shall be forthwith taken before a Presidency Magistrate.

(*2*) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel is of such kind or in such state as aforesaid,

[1][he may, and if it is diseased, unsound, unwholesome or unfit for human food and unfit for medicine he shall cause] the same to be destroyed, at the charge of the person in whose possession it was at the time of its seizure, in such manner as to prevent the same being again exposed or hawked about for sale or used for human food, or for medicine, or for the preparation or manufacture of, or for containing, any such article as aforesaid.

417A. [*Penalty for representing any article to be what it is not.*] *Repealed by Bom. 10 of 1928, s. 15.*

Penalty for possessing food which appears to be diseased, unsound or unwholesome or unfit for human food.

[2][**417B.** In every case in which food, on being dealt with under section 417, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to [3][five] hundred rupees.] XLV of 1860.

Application for summons to be refused if not applied for within reasonable time.

[2][**417C.** In all prosecutions under section [4]* * 417B the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a reasonable time for the alleged date of the offence of which such person is accused.]

[5]**418.** [*Provision of local standards of weights and measures.*] *Repealed by Bom. 15 of 1932.*

[5]**419.** [*Verification and stamping of weights and measures.*] *Repealed by Bom. 15 of 1932.*

[5]**420.** [*Weights and measures of which standards are provided are to be adopted: penalties.*] *Repealed by Bom. 15 of 1932.*

Prevention of spread of dangerous diseases.

Information to be given of existence of dangerous disease.

421. Every medical practitioner who treats or becomes cognizant of the existence of any dangerous disease in any private or public dwelling, other than a public hospital, shall give information of the same with the least practicable delay to the

[1] These words were substituted for the original words by Bom. 2 of 1899, s. 6 (*1*) (*a*).
[2] Sections 417B and 417C were inserted, *ibid.*, s. 6 (*1*) (*b*).
[3] This word was substituted for the word "one" by Bom. 76 of 1948, s. 26.
[4] The figures, letter and word "417A or" were repealed by Bom. 5 of 1925, s. 20, Schedule B.
[5] Sections 418, 419 and 420 were repealed by Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932), Second Schedule, Part II, which came into effect in Bombay City on 1st August 1935, *vide* G. N., G. D., No. 9518, dated 30th April 1935.

executive health officer. The said information shall be communicated in such form and with such details as the executive health officer, with the consent of the Commissioner, may from time to time require.

422. The Commissioner may at any time, by day or by night, without notice, or after giving such notice of his intention as shall, in the circumstances, appear to him to be reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

Any place may at any time be inspected for purpose of preventing spread of dangerous disease.

423. (*1*) If it shall appear to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

Prohibition of use for drinking of water likely to cause dangerous disease.

(*2*) No person shall remove or use for the purpose of drinking any water in respect of which any such public notice has been issued.

424. (*1*) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified medical practitioner, direct or cause the removal of any person who is, in the opinion of such executive health officer or other medical practitioner, without proper lodging or accommodation or who is lodged in a building occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

Commissioner may order removal of patients to hospital.

(*2*) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (*1*) shall obey such order.

425. (*1*) If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of a part of a building, or of any article therein likely to retain infection, would tend to prevent or check the spread of any dangerous disease he may, by written notice, require the owner or occupier of such building to cleanse or disinfect such building or part thereof or article therein, and, if it shall appear to the Commissioner necessary, to vacate the said building for such time as shall be prescribed in the said notice:

Disinfection of buildings, etc.

(*2*) Provided that, if, in the opinion of the Commissioner, the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the Commissioner may cause the building or part of the building or article likely to retain infection to be cleansed or disinfected and defray the cost of so doing.

426. (*1*) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

Destruction of huts and sheds, when necessary.

(*2*) Compensation may be paid by the Commissioner, in any case which he thinks fit, to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this section.

Second-hand clothing and bedding not to be brought into city without informing Commissioner and getting them inspected.

[1][426A. (*1*) Every person who brings or causes to be brought by sea into the city any article of used or second-hand clothing or bedding which does not form part of a passenger's baggage shall, within twenty-four hours of the bringing of such article into the city, give to the Commissioner notice in writing, containing full particulars as to the nature and condition of the said article and the place from which it is brought, and take it for inspection to the place prescribed under sub-section (*5*) for the inspection of such articles. If no such place has been prescribed, the notice shall also state the place where the said article may be inspected.

(*2*) The Commissioner shall examine the said article and, if he is of opinion that it is not free from infection, he may direct that it shall be adequately disinfected within such period, in such manner and by such agency, as he may determine.

(*3*) If the Commissioner is satisfied that the said article is free from infection or that it has been adequately disinfected, he shall give a certificate to that effect.

(*4*) No person shall deal with or remove or dispose of the said article otherwise than in accordance with a direction of the Commissioner or an officer of the Customs until a certificate under sub-section (*3*) has been given in respect thereof.

(*5*) The Commissioner may, in consultation with the Collector of Customs and the Trustees of the Port of Bombay, prescribe or appoint from time to time a place or places at which any article of the nature described in sub-section (*1*) may be inspected.

(*6*) The Commissioner may from time to time, with the approval of the standing committee, prescribe a fee to be paid for the inspection of any article of the nature described in sub-section (*1*) and for the giving of a certificate under sub-section (*3*) and, where any article is disinfected by municipal agency, for the disinfection thereof.

(*7*) Where a person contravening any provision of this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be liable to the punishment provided for the offence.

(*8*) Nothing contained in this section shall apply to any articles of used or second-hand clothing or bedding contained in a bale which is taken direct from the docks to a railway station in the city for export to and disposal at a place outside and beyond the limits of the city.

Explanation.—For the purposes of this section, a passenger's baggage shall mean such goods as are determined to be his baggage in actual use under section 24 of the Sea Customs Act, 1878.] VIII of 1878.

Place for disinfection may be provided;

427. (*1*) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected, and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time time fix, with the approval of the standing committee, in this behalf, or, in any case in which he thinks fit, free of charge.

also for washing infected articles.

(*2*) The Commissioner may, from time to time, by public notice, appoint a place at which clothing, bedding or other articles which have been exposed to infection from any dangerous disease may be washed; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

[1] This section was inserted by Bom. 76 of 1948, s. 27.

(3) The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection.

Infected articles may be destroyed.

(4) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (3).

428. (1) No person who is suffering from a dangerous disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

Person suffering from dangerous disease not to enter a public conveyance without notifying the same.

(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation for the loss and expenses he must incur in disinfecting such conveyance is first of all made to him.

429. The Commissioner with the sanction of the corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

Provision of carriages for conveyance of patients.

430. (1) No person who is suffering from a dangerous disease shall—

(a) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance;

(b) cause or suffer himself to be carried in a public conveyance contrary to the provision of the last preceding section.

Provisions as to carriage of persons suffering from dangerous disease in public conveyances.

(2) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1).

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid, in contravention of the said sub-section.

431. The owner, driver or person in charge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same.

Public conveyance which has carried a person suffering from dangerous disease to be disinfected.

432. (1) No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease.

Infected articles not to be transmitted, etc., without previous disinfection.

(2) Nothing in this section shall be deemed to apply to a person who transmits with proper precautions, any such article for the purpose of having the same disinfected.

433. (1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been suffering from a dangerous disease, without first having such building or part thereof and every article therein likely to retain infection disinfected, to the satisfaction of the executive health officer or of some duly qualified medical practitioner, as testified by such officer's or medical practitioner's certificate.

Infected building not to be let without being first disinfected.

(2) For the purpose of this section the keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Special sanitary measures.

Commissioner may take special measures on outbreak of any dangerous disease.

434. (*1*) In the event of the city being at any time visited or threatened with an outbreak of any dangerous disease, or in the event of any infectious disease breaking out or being likely to be introduced into the city amongst cattle—including under this expression sheep and goats,—the Commissioner, if he thinks the ordinary provisions of this Act or of any other law at the time in force are insufficient for the purpose, may, with the sanction of [1][the Provincial Government],—

(*a*) take such special measures, and

(*b*) by public notice prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) The Commissioner shall forthwith report to the corporation any measures taken and any regulations prescribed by him under sub-section (*1*).

Disposal of the dead.

Places for disposal of the dead to be registered.

435. Every owner or person having the control of a place used for burying, burning or otherwise disposing of the dead shall cause the same to be registered in a register which shall be kept by some municipal officer charged by the Commissioner with this duty, and shall deposit in the municipal office at the time of registration a plan of the said place, showing the extent and boundaries thereof, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor.

Provision of new places for disposal of the dead.

436. If the existing places for the disposal of the dead shall at any time appear to be insufficient, or if any such place is closed under the provisions of section 438, the Commissioner shall, with the sanction of the corporation, provide other fit and convenient places for the said purpose, either within or without the city, and shall cause the same to be registered in the register kept under section 435, and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the extent and boundaries of the same and bearing the signature of the municipal [2][city engineer].

New places for disposal of the dead not to be opened without permission of Commissioner.

437. No place, which has never previously been lawfully used as a place for the disposal of the dead and registered as such, shall be opened by any person for the said purpose without the written permission of the Commissioner, who, with the approval of the corporation, may grant or withhold such permission.

Provincial Government may direct the closing of any place for the disposal of the dead.

438. (*1*) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion—

(*a*) that any place of public worship is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial-ground adjacent thereto, or

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "city engineer" were substituted for the words "executive engineer" by Bom. 19 of 1930, s. 6.

(*b*) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health,

he may submit his said opinion, with the reasons therefor, to the corporation, who shall forward the same, with their opinion, for the consideration of the [1][Provincial Government].

(*2*) Upon receipt of such opinions, the [1][Provincial Government], after such further inquiry, if any, as [2][it] shall deem fit to cause to be made, may, by notification published in the [3][*Official Gazette*] and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

(*3*) On the expiration of two months from the date of any such order of the [1][Provincial Government], the place to which the same relates shall be closed for the disposal of the dead.

(*4*) A copy of the said notification, with a translation thereof, in the Marathi, Gujarati and Urdu languages, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

Provincial Government may sanction the re-opening of places which have been closed for the disposal of the dead.

439. (*1*) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of the last preceding section or under any other law or authority, has by lapse of time become no longer injurious to health, and may without risk of danger be again used for the said purpose, he may submit his said opinion, with the reasons therefor, to the corporation, he shall forward the same, with their opinion, for the consideration of the [1][Provincial Government].

(*2*) Upon receipt of such opinions, the [1][Provincial Government] after such further inquiry, if any, as [2][it] shall deem fit to cause to be made, may by notification published as aforesaid direct that such place be reopened for the disposal of the dead. Every order so made shall be noted in the register kept under section 435.

Burials within places of worship and exhumations not to be made without the permission of the Commissioner.

440. (*1*) No person shall, without the written permission of the Commissioner under sub-section (*2*),—

(*a*) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

(*b*) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 438;

(*c*) build, dig, or cause to be built or dug, any grave, or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 435;

(*d*) exhume any body except under the provisions of section 176 of the [4]Code of Criminal Procedure, 1882, or of any other law for the time being in force, from any place for the disposal of the dead.

X of 1882.

(*2*) The Commissioner may in special cases grant permission for any of the purposes aforesaid, subject to such general or special order as the [1][Provincial Government] may from time to time make in this behalf.

(*3*) An offence against this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the [4]Code of Criminal Procedure, 1882.

X of 1882.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "he", *ibid.*

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" *ibid.*

[4] See now the Code of Criminal Procedure, 1898 (5 of 1898).

Acts prohibited in connection with the disposal of the dead.

441. No person shall—

(*a*) retain a corpse on any premises, without burning, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(*b*) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time, think fit to require;

(*c*) except, when no other route is available, carry a corpse or part of a corpse along any street along which the carrying of corpses is prohibited by a public notice issued by the Commissioner in this behalf;

(*d*) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(*e*) whilst conveying a corpse or part of a corpse, place or leave the same on or near any street without urgent necessity;

(*f*) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner as that the surface of the coffin, or, when no coffin is used, of the corpse or part of a corpse, shall be at a less depth than six feet from the surface of the ground;

(*g*) build or dig, or cause to be built or dug, any grave or vault in any burial-ground at a less distance than two feet from the margin of any other grave or vault;

(*h*) build or dig, or cause to be built or dug, a grave or vault in any burial-ground in any line not marked out for this purpose by or under the order of the Commissioner;

(*j*) without the written permission of the Commissioner, re-open, for the interment of a corpse or of any part of a corpse, a grave or vault already occupied;

(*k*) after bringing or causing to be brought to a burning-ground any corpse or part of a corpse, fail to burn or cause the same to be burnt within six hours from the time of the arrival thereof at such ground;

(*l*) when burning or causing to be burnt any corpse, or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes, or permit any cloth or other article used for the conveyance or burning of such corpse or part of a corpse to be removed or to remain on or near the place of burning without its being completely reduced to ashes.

CHAPTER XVI.

VITAL STATISTICS.

Registration of Births and Deaths.

Appointment of registrars.

442. For the purpose of registering births and deaths, the Commissioner shall divide the city into such and so many districts and sub-districts as he shall from time to time think fit; and a municipal officer shall be registrar of births and deaths of each such district.

Registrars to reside in their respective districts.

443. (*1*) Every registrar shall reside within the district of which he is registrar and shall cause his name, together with the words "Registrar of Births and Deaths for the district of " to be affixed in some conspicuous place at or near the outer door of his place of abode.

(*2*) A list showing the name and place of abode of every registrar in the city shall be kept at the municipal office and shall be open at all reasonable times to public inspection free of charge.

444. The Commissioner shall provide and supply to the registrars a sufficient number of register-books of births and of register-books of deaths for the registration of the particulars specified in Schedules N and O, respectively; and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof. Register-books to be supplied.

445. (*1*) Each registrar shall inform himself carefully of every birth and death which shall happen in his district and of the particulars concerning the same require to be registered according to the forms in the said schedules, and shall, as soon after each such birth or death as conveniently may be, register the same in the book supplied for this purpose by the Commissioner, without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer. Registrars to inform themselves of all births and deaths.

(*2*) Other municipal officers, besides the registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the district to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the registrar to the said district or to such other person as the Commissioner directs.

446. (*1*) It shall be the duty of the father and mother of every child born in the city and, in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present at the birth and of the person having charge of the child, to give, to the best of his knowledge and brief, to the registrar or other municipal officer appointed under section 445, within seven days after such birth information of the particulars required to be registered concerning such birth: Information of birth to be given within seven days.

(*2*) Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person, as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother. Saving for father of illegitimate child.

447. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses. Information respecting finding of new-born child to be given.

448. (*1*) For every place for the disposal of the dead registered in the register kept under section 435 a municipal officer shall be appointed, whose duty it shall be to receive information of the particulars required to be registered concerning the death of every person whose corpse is disposed of at such place. Officers to be appointed to receive information of deaths at places for disposal of the dead.

(*2*) If the Commissioner shall not think fit to require the municipal officer so appointed to be in constant attendance at any place for the disposal of the dead for which he is so appointed, there shall be affixed to a conspicuous part of the entrance to such place a notice specifying the name of the officer so appointed for the said place and the place where he may be found,

Information of death to be given at the time when the corpse of the deceased is disposed of.

449. (*1*) It shall be the duty of the nearest relatives of any person dying in the city present at the death, or in attendance during the last illness of the deceased and, in default of such relatives, of each person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

(*2*) The said information shall be given at or about the time that the corpse of the deceased person is disposed of, and it shall be given in writing if the informant can write, and otherwise orally, and the informant shall make known to the officer aforesaid his name, designation and place of abode, and shall attest the correctness of the information which he gives, to the best of his knowledge and belief, by his signature or mark.

Medical practitioner who attended a deceased person to certify the cause of his death.

450. (*1*) In the case of a person who has been attended in his last illness by a duly qualified medical practitioner, that practitioner shall sign and forward to the Commissioner a certificate of the cause of such person's death, in the form of Schedule P, or in such other form as shall from time to time be prescribed by the Commissioner in this behalf, and the cause of death as stated in such certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(*2*) The Commissioner shall provide printed forms of the said certificates, and any duly qualified medical practitioner resident in the city shall be supplied, on application, with such forms, free of charge.

Preparation of register-books of deaths and of mortality returns, etc.

451. (*1*) The information concerning deaths received by every officer appointed under section 448 shall be entered by him in a register-sheet, which shall contain the particulars specified in Schedule O, and shall be forwarded, at such intervals as shall be prescribed by the Commissioner, through the registrar of the district, to the municipal office.

(*2*) From the said register-sheets and from the certificates furnished to him under section 450, the Commissioner shall cause the register-books of deaths to be prepared and shall have prepared and published such tabular returns and statements as shall appear to him to be useful for sanitary or other purposes.

Correction of errors in registers of births or deaths.

452. (*1*) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorized in that behalf by the Commissioner.

(*2*) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting forth the nature of the error and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or, in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(*3*) Except as aforesaid no alteration shall be made in any such register.

453. (*1*) When the birth of any child has been registered and the name, if any, by which it was registered, is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar, such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate shall without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child. Registration of name of child or of alteration of name.

(*2*) The certificate shall be in the form of Schedule Q, or as near thereto as circumstances admit, and, in the case of a Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptised or is not a Christian, shall be signed by the father, mother or guardian of the child or other person procuring the name of the child to be given or altered.

(*3*) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand, on payment of a fee not exceeding one rupee.

Taking of a census.

454. At such time and in such manner as shall be directed from time to time by the Commissioner, with the sanction of the corporation and of [1][the Central Government], an enumeration shall be made of the persons who at the time of making such enumeration shall be within the city: Provided always that, one clear month previous to such enumeration being commenced, notice of the intention to make the same, with the date or dates upon or within which it is intended to be made, and all other necessary particulars, shall be given by advertisement in the [2][*Official Gazette*] and in the local newspapers. Enumeration of inhabitants.

455. The Commissioner shall superintend the taking of such enumeration, and shall appoint such enumerators or other subordinate officers and make such arrangements generally as may seem to him necessary for the purpose of such enumeration. Commissioner to superintend the enumeration.

456. Each enumerator or other subordinate officer appointed under the last preceding section shall, agreeably to his instructions leave at each building or place of residence within his district, four days at least before the time appointed for the collection of the completed returns or census, a blank schedule or return, of such form and containing such particulars as [1][the Central Government] may approve, to be duly filled up and signed by the owner, tenant or principal occupant of the said building or place of residence. Delivery of blank schedules and returns.

457. (*1*) Every person at whose building or place of residence any such blank schedule or return is left shall correctly fill up the same, and affix his signature thereto, and return it, when called upon so to do, to the enumerator or other subordinate officer aforesaid; Obligation to fill up blank schedules and returns.

or, if such person is unable to write, he shall furnish to an enumerator, when called upon so to do, the information required for correctly filling up such schedule or return.

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[1] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

(*2*) Any person who fails to comply with any provision of sub-section (*1*) may be detained in custody until he complies therewith or the requisite information is otherwise obtained.

(*3*) It shall be the duty of an enumerator, if so required by any person who is unable to write, to fill up any such schedule or return as aforesaid from information supplied by such person.

Occupier to amend returns, if found defective.

458. If any enumerator or other subordinate officer employed in the collection of such schedules or returns shall find any of the same defective or in any respect improperly filled in, he may return the same to the occupant of the building or residence to which the same relates, together with a written notice requiring that the same be duly filled in or amended within a period of forty-eight hours.

Military, naval and police officers and certain others, if required, to act as enumerators.

459. (*1*) Any military or naval officer, or any officer of the Bombay City Police, or any master or person in charge of a merchant vessel, or nacoda or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital or prison or of any public or private charitable or scholastic institution, or any keeper of a hotel or lodging-house, shall, if required, act as an enumerator for the purpose of taking account of persons under his command or charge or abiding in any building in his possession, charge or control, on the night immediately preceding the day to be appointed for the making of such enumeration.

(*2*) Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Commissioner in that behalf.

Returns of houseless persons.

460. The Commissioner shall obtain, by such means as shall appear to him, best adapted for the purpose and as shall be sanctioned by [1][the Central Government], returns of the particulars required for the purpose of the census with respect to all houseless persons, and all persons who during the said night preceding the day to be appointed for the making of such enumeration were on out-door night duty, or for any other reasons were not abiding in any building of which account is to be taken by the enumerators.

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[2] CHAPTER XVI-A.

THE BOMBAY ELECTRIC SUPPLY AND TRANSPORT UNDERTAKING.

The operation of the undertaking and the construction and maintenance of works.

Management of Undertaking by General Manager.

460A. (*1*) Subject to the superintendence of the Bombay Electric Supply and Transport Committee and of the corporation, the General Manager shall manage the Bombay Electric Supply and Transport Undertaking and perform all acts necessary for the economical and efficient maintenance, operation, administration and development of the undertaking.

(*2*) Without prejudice to the generality of the foregoing provision, the General Manager may, with the sanction of the Bombay Electric Supply and Transport Committee and subject to the restrictions or conditions imposed by this Act, either within or without the city—

(*a*) construct or acquire, transport undertakings, including tramways, trackless trams and mechanically propelled transport facilities for the conveyance of the

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[1] The words "the Central Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] This Chapter containing sections 460A to 460PP was inserted by Bom. 48 of 1948, s. 40.

IV of 1939. public subject to the provisions of the Motor Vehicles Act, 1939, or of any other enactment for the time being in force and the conditions of any licence, permit or sanction in favour of the corporation granted thereunder;

(*b*) construct or acquire, subject to the provisions of the Indian Electricity Act, 1910, or of any other enactment for the time being in force and the conditions of any licence or sanction in favour of the corporation granted thereunder, undertakings for the generation or supply of electrical energy and for electric traction, and enter into any agreement with any person for the supply of electrical energy to or by the corporation; IX of 1910.

(*c*) construct buildings and works of every description necessary or desirable for the operation or development of the Bombay Electric Supply and Transport Undertaking;

(*d*) purchase or take on lease or hire or otherwise acquire any moveable or immovable property or rights;

(*e*) exercise any of the powers of a licensee under the Indian Electricity Act, 1910, or any other enactment for the time being in force relating to the generation or supply of electrical energy which the corporation is for the time being authorised to exercise and any other powers exercisable by the corporation under such enactment or under any licence thereunder granted in favour of the corporation; and IX of 1910.

(*f*) exercise any of the powers of a licensee holding a stage carriage permit under the Motor Vehicles Act, 1939, which the corporation is for the time being authorised to exercise and any other powers exercisable by the corporation under the said Act in relation to the provision of mechanically propelled transport facilities for the conveyance of the public. IV of 1939.

460B. (*1*) Without prejudice to any other powers exercisable by him, the General Manager may for the purpose of inspecting or repairing or executing any work upon or in connection with the Bombay Electric Supply and Transport Undertaking— Power of access to works.

(*a*) enter upon and pass through any land within or without the city in whomsoever such land vests;

(*b*) convey into and through any such land all necessary materials, tools and implements.

(*2*) In the exercise of the powers conferred by sub-section (*1*) as little damage as the circumstances permit shall be done and compensation for any damage so done shall be paid by the General Manager.

460C. (*1*) For the purpose of carrying out, renewing and repairing works in connection with the Bombay Electric Supply and Transport Undertaking (other than works to which the provisions of the Indian Electricity Act, 1910, apply) the General Manager may, either within or without the city, exercise the same powers as under the provisions of this Act the Commissioner may exercise for carrying, renewing and repairing drains within the city, subject to the same restrictions as are by this Act imposed on the exercise of such powers: IX of 1910. Power of carrying, renewing and repairing works.

Provided that in the construction of tramways the General Manager shall not, without the consent of the owner, lay rails over or upon land which is not vested in the corporation, other than land forming part of a street.

(*2*) When a work undertaken by the General Manager involves the opening or breaking up of any street, such work shall be commenced and carried out in

consultation with the Commissioner or with such officer as the Commissioner may designate in this behalf.

Maintenance and repair of portion of street where tramway is laid.

460D. (*1*) The General Manager shall cause to be maintained and kept in good condition and repair so much of any street whereon any tramway of the Bombay Electric Supply and Transport Undertaking is laid as lies between the rails of the tramway and, where two tramways are laid in any street at a distance of not more than six feet from each other, the portion of the street between the tramways and in any case as much of the street as extends eighteen inches beyond the rails of and on each side of any such tramway.

(*2*) The expenses incurred for maintenance and repairs under sub-section (*1*) shall be defrayed from the Bombay Electric Supply and Transport Fund.

Conditions to be observed before new tramway is laid

460E. (*1*) No single line of tramway shall be converted into a double line and no new tramway shall be laid on any public street except with the permission of the corporation and no such permission shall have validity unless and until it is confirmed by the Provincial Government.

(*2*) The General Manager shall, before the determination of the form, manner, gradient and gauge of a new tramway or of the width of carriages intended for use on such new tramway, consult the Commissioner.

Reservation of power over streets of Bombay Gas Co. Ltd.

460F. Nothing in this Chapter shall affect the powers of the Bombay Gas Company, Ltd., under the provisions of the Gas Companies Act, 1863, to take up any of the streets traversed by the tramway of the Bombay Electric Supply and Transport Undertaking for the purposes for which they may lawfully take up the same : Bom. V of 863.

Provided that—

(*i*) as little detriment or inconvenience to the under-taking shall be caused as the circumstances permit ;

(*ii*) before any work whereby traffic on the tramway will be interrupted is commenced, previous notice of not less than eighteen hour shall be given to the General Manager, except in cases of urgency, specifying the time at which the work will be commenced ; and

(*iii*) the Bombay Gas Company, Ltd., shall not be liable to pay any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers vested in them as aforesaid.

Restriction on building and other acts interfering with works of the undertaking.

460G. (*1*) No building, wall or other structure shall be newly erected, and no street or minor railway shall be constructed over, or in such a manner as to interfere with, any work constructed or maintained for the purposes of the Bombay Electric Supply and Transport Undertaking except with the written permission of the General Manager.

(*2*) The General Manager may, with the approval of the Bombay Electric Supply and Transport Committee, cause any building, wall or other structure erected, or any street or railway constructed, in contravention of sub-section (*1*) to be removed or otherwise dealt with as he deems fit, and the expenses incurred therefor shall be paid by the person responsible.

Fixing Fares and Charges.

460H. (*1*) Fares and charges shall be leviable for the conveyance of passengers or for the carriage of goods by any means of transport provided by the Bombay Electric Supply and Transport Undertaking at such rates as may from time to time be fixed, subject to the provisions of any enactment for the time being in force and any licence granted to the corporation thereunder, by the Bombay Electric Supply and Transport Committee with the approval of the corporation. Levy of fares and charges for transport services.

(*2*) A printed list in English, Marathi, Hindustani and Gujarati of all the fares and charges levied for the time being under this section shall be exhibited in a conspicuous place inside each vehicle used by the Bombay Electric Supply and Transport Undertaking for the conveyance of the public.

(*3*) The fares and charges levied under this section shall be paid to such persons, at such places upon or near the prescribed route of the transport service, and in such manner and under such regulations, as the Bombay Electric Supply and Transport Committee shall, by notice to be annexed to the list of fares, appoint.

(*4*) If any person travelling or having travelled in any vehicle of the Bombay Electric Supply and Transport Undertaking avoids or attempts to avoid payment of his fare, or any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such vehicle beyond such distance and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or any person knowingly and wilfully refuses or neglects, on arriving at the point up to which he has paid his fare, to quit such vehicle, he shall be punished, for each such offence, with fine which may extend to ten rupees.

(*5*) It shall be lawful for every municipal servant appointed under the provisions of this Chapter and all persons called in by him for his assistance, to arrest and take to the nearest police station any person who shall be discovered either in or after committing or attempting to commit an offence under sub-section (*4*) and whose name and address is not known and is refused by him, and the police officer in charge of the said police station shall adopt such legal measures as may be necessary to cause the said person to be taken before a Presidency Magistrate with the least possible delay.

460I. Charges shall be leviable for the supply of electrical energy by the Bombay Electric Supply and Transport Undertaking at such rates as may from time to time be fixed, subject to the provisions of any enactment for the time being in force and of any licence granted to the corporation thereunder, by the Bombay Electric Supply and Transport Committee with the approval of the corporation. Levy of charges for electricity.

460J. All fares and charges (whether for the conveyance of passengers or for the carriage of goods by any means of transport or for the supply of electrical energy) in force immediately before the coming into operation of the City of Bombay Municipal (Second Amendment) Act, 1948, shall continue in force until other fares or charges are fixed by the Bombay Electric Supply and Transport Committee under section 460H or 460I, as the case may be. Continuation of existing fares and charges.

Bom. XLVIII of 1948.

Contracts entered into for the purposes of the undertaking.

460K. With respect to the making of contracts for the purposes of the Bombay Electric Supply and Transport Undertaking (including contracts relating to the acquisition and disposal of immovable property or any interest therein, or any right thereto) the following provisions shall have effect, namely :— Making of contracts.

(*a*) every such contract shall be made on behalf of the corporation by the General Manager ;

(*b*) no such contract for any purpose which, in accordance with any provision of this Chapter, the General Manager may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly given;

(*c*) no contract which will involve an expenditure exceeding five thousand rupees shall be made by the General Manager unless the same is previously approved by the Bombay, Electric Supply and Transport Committee;

(*d*) every contract made by the General Manager involving an expenditure exceeding five hundred and not exceeding five thousand rupees shall be reported by him within fifteen days after the same has been made to the Bombay Electric Supply and Transport Committee;

(*e*) the foregoing provisions of this section shall, as far as may be, apply to every contract which the General Manager shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

Mode of executing contracts.

460L. (*1*) Every contract entered into by the General Manager on behalf of the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking shall be entered into in such manner and form as would bind the General Manager if such contract were on his own behalf, and may in the like manner and form be varied or discharged:

Provided that every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five thousand rupees or for the disposal of property of the corporation exceeding two thousand rupees in value shall be in writing and shall be signed by the General Manager and countersigned by two members of the Bombay Electric Supply and Transport Committee.

(*2*) No contract which is not executed in accordance with the provisions of sub-section (*1*) shall be binding upon the corporation.

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

460M. (*1*) Except as is hereinafter otherwise provided, the General Manager shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three thousand rupees, give notice by advertisement in the local newspapers inviting tenders for such contract.

(*2*) The General Manager shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (*c*) of section 460K, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous:

Provided that the Bombay Electric Supply and Transport Committee may authorise the General Manager for reasons which shall be recorded in their proceedings to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security to be taken for performance of contracts.

460N. The General Manager shall require sufficient security for the due performance of every contract into which he enters under section 460M and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

Acquisition and disposal of property.

460O. (*1*) Whenever it is necessary or expedient for the purposes of the Bombay Electric Supply and Transport Undertaking that the General Manager shall acquire any immovable property, such property may be acquired by the General Manager on behalf of the corporation by agreement on such terms and at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Bombay Electric Supply and Transport Committee either generally for any class of cases or specially in any particular case. Acquisition of immovable property by agreement.

(*2*) No contract for the acquisition of any immovable property shall be valid, if the price to be paid for such property exceeds five thousand rupees unless and until such contract has been approved by the Bombay Electric Supply and Transport Committee and, if the price exceeds ten thousand rupees, by the corporation.

460P. (*1*) Whenever the General Manager is unable to acquire any immovable property under section 460O by agreement, the Provincial Government may, in its discretion, upon the application of the General Manager made with the approval of the Bombay Electric Supply and Transport Committee and, subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the corporation as if such property were land needed for a public purpose within the meaning of the Land Acquisition Act, 1894. Procedure when immovable property cannot be acquired by agreement.

1 of 1894.

(*2*) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to the other provisions of this Act, be forthwith paid by the General Manager and thereupon the said property shall vest in the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking.

460Q. With respect to the disposal of property vesting in the corporation for the purposes of the Bombay Electric Supply and Transport Undertaking the following provision shall have effect, namely :— Provisions governing disposal of municipal property.

(*a*) the General Manager may dispose of by sale, hire, hire-purchase or otherwise, any moveable property belonging to the corporation not exceeding in value, in each instance, two thousand rupees;

(*b*) the General Manager may grant a lease of any immovable property belonging to the corporation for any period not exceeding twelve months at a time:

Provided that every lease granted by the General Manager (other than a contract for a monthly tenancy) the annual rent whereof at a rack rent exceeds three thousand rupees shall be reported by him, within fifteen days after the same has been granted, to the Bombay Electric Supply and Transport Committee;

(*c*) with the sanction of the Bombay Electric Supply and Transport Committee, the General Manager may dispose of, by sale or otherwise, any moveable property belonging to the corporation of which the value does not exceed ten thousand rupees, and may grant a lease of any immovable property belonging to the corporation for any period exceeding one year, or sell or grant a lease in perpetuity of any immovable property belonging to the corporation the value whereof does not exceed fifty thousand rupees or the annual rental whereof does not exceed three thousand rupees;

(*d*) with the sanction of the corporation, the General Manager may lease, sell or otherwise convey any property, moveable or immovable, belonging to the corporation.

Officers and Servants.

Schedule of permanent officers and servants to be prepared by General Manager and sanctioned by Bombay Electric Supply and Transport Committee.

460R. (*1*) The General Manager shall, from time to time, prepare and bring before the Bombay Electric Supply and Transport Committee a schedule setting forth the designations and grades of the officers and servants, who should, in his opinion, be permanently maintained for the purposes of the Bombay Electric Supply and Transport Undertaking, and the amount and nature of the salaries, fees and allowances which he proposes should be paid to each.

(*2*) The Bombay Electric Supply and Transport Committee shall sanction such schedule either as it stands or subject to such modifications as they deem expedient:

Provided that—

(*a*) no new permanent post of which the aggregate emoluments exceed four hundred rupees per mensem shall be created without the sanction of the corporation; and

(*b*) the corporation may by resolution direct that the scales of pay of any specified classes or grades of officers or servants shall not be varied without the approval of the corporation and, so long as such resolution is in force, the Bombay Electric Supply and Transport Committee shall not authorise any variation in such scales without such approval.

Restriction on appointment of permanent officers and servants.

460S. No permanent officer or servant shall be entertained in any department of the Bombay Electric Supply and Transport Undertaking unless his office and emoluments are included in the schedule at the time being in force prepared and sanctioned under section 460R.

Creation of temporary posts.

460T. (*1*) The General Manager may create temporary posts carrying a monthly salary exclusive of allowances not exceeding four hundred rupees per mensem for a period of not more than six months and no such posts shall be continued beyond such period without the previous sanction of the Bombay Electric Supply and Transport Committee.

(*2*) The Bombay Electric Supply and Transport Committee may create temporary posts carrying a monthly salary exclusive of allowances exceeding four hundred rupees per mensem for a period of not more than six months. The committee shall forthwith report to the corporation the creation of every such post and no such post shall be continued beyond a period of six months without the previous sanction of the corporation.

Power of appointment in whom to vest.

460U. Subject to the provisions of sections 460R and 460T, the power of appointing municipal officers and servants for the purposes of the Bombay Electric Supply and Transport Undertaking shall vest in the General Manager if the minimum monthly salary, exclusive of allowances, is less than five hundred rupees per mensem and in the Bombay Electric Supply and Transport Committee in all other cases.

Bombay Electric Supply and Transport Committee to frame servic regulations.

460V. (*1*) The Bombay Electric Supply and Transport Committee shall, from time to time, frame regulations applicable to municipal officers and servants appointed under this Chapter in regard to the following matters:—

(*a*) fixing the amount and the nature of the security to be furnished by any municipal officers or servants from whom it may be deemed expedient to require security;

(*b*) regulating the grant of leave to municipal officers and servants;

(*c*) authorizing the payment of allowances to the said officers and servants, or to certain of them, whilst absent on leave;

(*d*) determining the remuneration to be paid to the persons appointed to act for any of the said officers or servants during their absence on leave;

(*e*) authorizing the payment of travelling or conveyance allowances to the said officers and servants;

(*f*) regulating the period of service of all the said officers and servants;

(*g*) determining the conditions under which the said officers and servants or any of them, shall on retirement or discharge receive pensions, gratuities or compassionate allowances, and under which the widows, or such other relations as may be prescribed, dependent on any of the said officers and servants shall, after their death, receive compassionate allowances, and the amounts of such pensions, gratuities or compassionate allowances;

(*h*) authorizing the payment of contributions, at certain prescribed rates and subject to certain prescribed conditions, to any pension or provident fund which may, with the approval of the committee, be established by the said officers and servants or to such provident fund, if any, as may be established by the committee for the benefit of the said officers and servants;

(*i*) in general, prescribing any other conditions of service of the said officers and servants.

(*2*) No regulation made by the Bombay Electric Supply and Transport Committee under this section shall have any force or validity unless and until it has been confirmed by the corporation.

(*3*) For the purposes of clause (*h*) of sub-section (*1*) any fund established prior to the acquisition of any undertaking by the corporation shall upon the undertaking becoming part of the Bombay Electric Supply and Transport Undertaking be deemed to be established in the manner mentioned in the said clause, if upon the acquisition of such undertaking arrangements are made by the Bombay Electric Supply and Transport Committee for the continuance of the fund.

Power of suspending, punishing and dismissing in whom to vest.

460W. Every municipal officer and servant appointed under the provisions of this Chapter may be fined, reduced, suspended or dismissed for any breach of departmental rules or discipline or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer or servant is appointed.

Leave of absence.

460X. (*1*) Subject to the provisions of any regulations made under section 460V, the General Manager may grant leave of absence to any officer or servant the power to appoint whom vests in him and for a period not exceeding three months to any other officer or servant appointed under the provisions of this Chapter.

(*2*) The Bombay Electric Supply and Transport Committee may grant leave of absence for a period exceeding three months to any officer or servant appointed by the committee.

Acting appointments.

460Y. The appointment of a person to act in the place of an officer or servant appointed under the provisions of this Chapter when absent on leave may be made when necessary, and subject to the regulations aforesaid, by the same authority who grants leave of absence.

REVENUE AND EXPENDITURE.

The Bombay Electric Supply and Transport Fund.

Constitution of Bombay Electric Supply and Transport Fund.

460Z. Except as provided in section 460HH all moneys received by or on behalf of the corporation in respect of the operations of the Bombay Electric Supply and Transport Undertaking shall be credited to a fund, which shall be called 'the City of Bombay Electric Supply and Transport Fund', and which shall, subject to the provisions herein contained, be held by the corporation in trust for the purposes of the said undertaking.

General Manager to receive payments on account of Bombay Electric Supply and Transport Fund and to lodge them in bank.

460AA. All moneys payable to the credit of the Bombay Electric Supply and Transport Fund shall be received by the General Manager and shall be forthwith paid into the Imperial Bank of India or such other banks in the city as may be approved by the corporation from time to time in this behalf to the credit of an account which shall be styled 'the account of the Bombay Electric Supply and Transport Fund':

Provided that the General Manager may, subject to any general or special directions issued by the Bombay Electric Supply and Transport Committee, retain such balances in cash as may be necessary for the operations of the Bombay Electric Supply and Transport Undertaking.

How Bombay Electric Supply and Transport Fund shall be drawn against.

460BB. (*1*) Subject as hereinafter provided, no payment shall be made by the bank aforesaid out of the Bombay Electric Supply and Transport Fund except on a cheque signed by three persons in the manner specified below, namely :—

(*a*) by the Commissioner, or by the General Manager or in the absence of both by a municipal officer whose name appears in a list of officers authorised to sign cheques approved by the Bombay Electric Supply and Transport Committee;

(*b*) by one member of the committee, who shall attend daily for the purpose at such place as the committee appoints; and

(*c*) by a municipal officer whose name appears in the said list:

Provided that any cheque for an amount not exceeding one thousand rupees if signed by the Commissioner or by the General Manager or by any two officers whose names appear in the said list shall be sufficient authority for the payment of the amount thereof out of the said fund by the said bank but the General Manager shall place before the committee each week a list of the amounts so drawn from the fund.

(*2*) Payment of any sum due by the corporation out of the Bombay Electric Supply and Transport Fund in excess of one hundred rupees shall be made by means of a cheque signed as aforesaid and not in any other way.

(*3*) Payment of any sum due by the corporation out of the Bombay Electric Supply and Transport Fund not exceeding one hundred rupees in amount may be made by the General Manager in cash, and cheques for sums not in excess of one thousand rupees each, signed as aforesaid, may be drawn from time to time to cover such payment.

460CC. Notwithstanding anything contained in sections 460AA and 460BB, the General Manager may, with the previous approval of the Bombay Electric Supply and Transport Committee, from time to time, remit to and deposit with a bank or other agency at any place beyond the city any portion of the Bombay Electric Supply and Transport Fund, and any moneys payable to the credit of the Bombay Electric Supply and Transport Fund or chargeable there-against, which can, in the opinion of the General Manager, be most conveniently paid into or out of the account of the fund at any such bank or agency may be so paid.

Deposit of portion of Bombay Electric Supply and Transport Fund may be made with bank or agency out of Bombay when convenient.

460DD. (*1*) Except as hereinafter provided, no payment of any sum shall be made by the General Manager out of the Bombay Electric Supply and Transport Fund, unless the expenditure of the same is covered by a current budget-grant, and sufficient balance of such budget-grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 133 or 134 :

Only sums covered by budget-grant to be expended from Bombay Electric Supply and Transport Funds.

Provided that the following items shall be excepted from this prohibition, namely :—

(*a*) sums of which the expenditure has been sanctioned by the Bombay Electric Supply and Transport Committee under section 132 ;

(*b*) repayments of moneys belonging to contractors, consumers or other persons, held in deposit and of moneys collected or credited to the Bombay Electric Supply and Transport Fund by mistake ;

(*c*) sums which the General Manager is under the provisions of this Act or any other enactment required or empowered to pay by way of compensation ;

(*d*) sums payable in any of the circumstances mentioned in clause (*f*) of section 460GG ;

(*e*) costs incurred by the General Manager under section 64 ;

(*f*) any sum required to make good to the municipal fund any payment made by the Commissioner out of the municipal fund under the provisions of section 115 for the purpose of the Bombay Electric Supply and Transport Undertaking.

(*2*) In sub-section (*1*) 'budget-grant' means a budget grant within the meaning of that term as defined in section 130 and includes any sum by which such budget-grant may at any time be increased by a transfer under sub-section (*1*) of section 133.

Drafts on Bombay Electric Supply and Transport Fund to be checked by members of Bombay Electric Supply and Transport Committee.

460EE. The members of the Bombay Electric Supply and Transport Committee shall not sign any cheque under section 460BB without first satisfying themselves that the sum for which such cheque is drawn is either covered by a budget-grant as aforesaid or is an item of one of the excepted descriptions specified in the proviso to sub-section (*1*) of section 460DD.

Procedure when money not covered by budget-grant is expended under clause (*c*) or (*d*) of the proviso to sub-section (*1*) of section 460DD.

460FF. Whenever any sum is expended by the General Manager under clause (*c*) or (*d*) of the proviso to sub-section (*1*) of section 460DD he shall forthwith communicate the circumstances to the Bombay Electric Supply and Transport Committee who shall take such action under sub-section (*2*) of section 133 or recommend to the corporation to take such action as shall, in the circumstances, appear possible and expedient for covering the amount of the additional expenditure.

Purposes for which the Bombay Electric Supply and Transport Fund is to be applied.

460GG. The moneys from time to time credited to the Bombay Electric Supply and Transport Fund shall be applied in payment of all sums, charges and costs necessary for the purposes of acquiring, maintaining, operating and improving the Bombay Electric Supply and Transport Undertaking and of carrying into effect the provisions of this Chapter, or of which the payment shall be duly directed or sanctioned by or under any of the provisions of this Act. inclusive of—

(*a*) the repayment to the municipal fund of any amount disbursed therefrom for the purposes of the Bombay Electric Supply and Transport Undertaking, including the cost of, or reasonable charges for, all supplies provided and services rendered for any such purpose by the Commissioner at the charge of the municipal fund ;

(*b*) the payment to the municipal fund of a sum of money equivalent to the sum which would have been payable under this Act on account of rates, taxes fees or other imposts in respect of lands and buildings and other properties moveable and immovable, of the Bombay Electric Supply and Transport Undertaking if the said lands, buildings and other properties had not vested in the corporation ;

(*c*) the payment of fees to the Chairman and members of the Bombay Electric Supply and Transport Committee, and the salary and other allowances of the General Manager ;

(*d*) the payment of salaries and other allowances of all municipal officers and servants appointed under the provisions of this Chapter and all contributions to provident funds, pensions, gratuities and compassionate allowances payable under the provisions of this Chapter or of any schedule or regulations framed under this Chapter and at the time in force ;

(*e*) the payment of all expenses and costs incurred by the General Manager in the exercise of any power or the discharge of any duty conferred or imposed upon him for the purposes of, or in connection with, the Bombay Electric Supply and

Transport Undertaking under the provisions of this Act or of any other enactment including moneys which he is required or empowered to pay by way of compensation ;

(*f*) the payment for the purchase of goods and equipment intended for re-sale or for letting out on hire or hire purchase under the provisions of this Chapter ;

(*g*) the payment of every sum payable under a decree or order of a civil or criminal court passed against the corporation or against the Commissioner or the General Manager ex-officio in any proceeding arising out of the acquisition maintenance or operation of the Bombay Electric Supply and Transport Undertaking, or under a compromise effected under section 517 of any suit or other legal proceeding or claim arising out of such acquisition, maintenance or operation';

(*h*) every sum required by the provisions of section 460KK or 460LL to be transferred to the municipal fund.

Special Funds.

460HH. Fines collected under section 460W, donations from passengers, and the proceeds of the sale of unclaimed lost property recovered from vehicles of the Bombay Electric Supply and Transport Undertaking shall be credited to a separate fund to be called ' the Bombay Electric Supply and Transport Staff Benefit Fund ' the proceeds of which shall be expended in promoting the well-being of municipal officers and servants appointed under this Chapter and for the payment of compassionate allowances to the widows of such officers and servants who die while in municipal service and to such other relations of the officers and servants as the Bombay Electric Supply and Transport Committee may from time to time determine. Institution of Bombay Electric Supply and Transport Staff Benefit Fund.

460II. With the previous approval of the corporation the Bombay Electric Supply and Transport Committee may direct that any portion of the Bombay Electric Supply and Transport Fund may from time to time be credited to a separate heading in the accounts maintained under section 460MM, provided that there shall be credited and debited to such special heading such sums only as shall expressly relate to the object for which a special fund is so created. Other special funds.

Disposal of Balances.

460JJ. (*1*) Surplus moneys at the credit of the Bombay Electric Supply and Transport Fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised for the purposes of the Bombay Electric Supply and Transport Undertaking may be, from time to time, deposited at interest in the Imperial Bank of India or such other bank as may have been approved by the corporation under section 460AA or be invested in public securities. Investment of surplus moneys.

(*2*) All surplus moneys which it is necessary to keep readily available for application to such purposes, and all surplus moneys which cannot in the opinion of the General Manager, concurred in by the Bombay Electric Supply and Transport

Committee, be favourably deposited or invested as aforesaid, may be deposited at interest at any bank or banks in the city which the Bombay Electric Supply and Transport Committee may, subject to the control of the corporation, from time to time select for the purpose.

(*3*) All such deposits and investments shall be made by the General Manager on behalf of the corporation, with the sanction of the Bombay Electric Supply and Transport Committee and, with the like sanction, the General Manager may at any time withdraw any deposit so made or dispose of any securities and re-deposit or re-invest the money so withdrawn, or the proceeds of the disposal of such securities; but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by three persons in the manner specified in sub-section (*1*) of section 460BB for signing of cheques.

(*4*) The loss, if any, arising from any such deposit or investment shall be debited to the Bombay Electric Supply and Transport Fund.

Payment out of surplus balance.

Fixed annual payment to municipal fund.

460KK. (*1*) Out of the balance of income over expenditure remaining at credit of the Revenue Account of the Bombay Electric Supply and Transport Fund at the close of each official year, after defraying or making allowance for all charges, costs and expenses payable out of the revenue of the said fund and allowing for the retention of a cash balance of one lakh of rupees at the least to the credit of the said fund, there shall be transferred to the credit of the municipal fund the amount provided in sub-section (*2*):

Provided that if the balance at credit of the said Revenue Account, after allowing for the matters aforesaid, is less than the amount provided in sub-section (*2*), the whole of such balance shall be transferred to the municipal fund and any deficit shall be made good to the municipal fund out of the Revenue Reserve Fund maintained under section 460LL and if the deficit still remains it shall be made good to the municipal fund out of the balance available at credit of the Revenue Account of the next or any subsequent year after allowing for all the matters aforesaid and for the amount provided in sub-section (*2*) in respect of that year.

(*2*) The amount to be transferred to the municipal fund under sub-section (*1*) shall be :—

(*a*) in the case of the official year ended on the 31st March 1948 the sum of five lakhs of rupees;

(*b*) in the case of each subsequent official year until the year ending on the 31st March 1958, the sum of ten lakhs of rupees; and

(*c*) thereafter such sum in respect of each official year as the corporation, before the beginning of that year, may determine.

(*3*) The sum to be transferred under sub-section (*1*) shall be paid into the Imperial Bank of India to the credit of the municipal fund by means of a cheque drawn upon the Bombay Electric Supply and Transport Fund not later than the thirtieth day

of June immediately following the close of the year in which the balance out of which the transfer is due to be made accrues.

460LL. (*1*) If after making allowance for the matters mentioned in section 460KK, there remains any further surplus balance of income over expenditure at credit of the Revenue Account of the Bombay Electric Supply and Transport Fund, such surplus shall be disposed of as follows :— Disposal of surplus balance of revenue.

(*a*) 30 per cent. of the surplus shall be credited under a separate heading in the accounts maintained under section 460MM to a special fund to be called ' the Revenue Reserve Fund ', unless the balance in the said Revenue Reserve Fund, with such credit, would exceed fifty lakhs of rupees, in which case only such sum, if any, as is required to bring the balance to fifty lakhs of rupees shall be so credited and the remainder of the surplus, up to 30 per cent. thereof, shall be added in equal shares to the amounts credited or transferred under clauses (*b*), (*c*) and (*d*) ;

(*b*) 30 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be credited under a separate heading in the accounts maintained under section 460MM to a special fund called ' the Bombay Electric Supply and Transport Betterment Fund ' ;

(*c*) 25 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be transferred to the municipal fund for credit to the Welfare Fund mentioned in section 120A ; and

(*d*) 15 per cent. of the surplus and such additional amount as may be available under clause (*a*) shall be transferred to the municipal fund.

(*2*) The Revenue Reserve Fund shall be applied to the following purposes :—

(*i*) in making good or in reduction of any deficit in the amount to be transferred in any year to the municipal fund under section 460KK ; and

(*ii*) in meeting any charges to be defrayed out of the Bombay Electric Supply and Transport Fund to the extent to which the balance available in the fund is insufficient for the purpose.

(*3*) The Bombay Electric Supply and Transport Betterment Fund shall be applied to improvements in the services, amenities and facilities provided for the public by the Bombay Electric Supply and Transport Undertaking.

(*4*) The amounts to be transferred to the municipal fund under clauses (*c*) and (*d*) of sub-section (*1*) shall be paid into the Imperial Bank of India to the credit of the municipal fund by means of cheques drawn upon the Bombay Electric Supply and Transport Fund not later than the thirtieth day of June immediately following the close of the official year in which the transfers are due to be made.

Accounts.

460MM. (*1*) Accounts of the receipts and expenditure of the corporation on account of the Bombay Electric Supply and Transport Undertaking and of the properties vested or vesting in the corporation for the purposes of the said Accounts of the Bombay Electric Supply and Transport Undertaking.

undertaking shall be kept in such manner and in such forms as the Bombay Electric Supply and Transport Committee shall from time to time prescribe.

(2) The General Manager shall publish such accounts in the *Official Gazette* every year.

Preparation of annual administration report and statement of accounts.

460NN. (1) The General Manager shall, as soon as may be after each first day of April, have prepared a detailed report of the administration of the Bombay Electric Supply and Transport Undertaking during the previous official year, together with a statement showing the amount of the receipts and disbursements respectively credited and debited to the Bombay Electric Supply and Transport Fund during the said year and the balance at the credit of the fund at the close of the said year as also an account of the balance due on loans and shall submit the same to the Bombay Electric Supply and Transport Committee.

(2) After an examination and review of the report and statement by the Bombay Electric Supply and Transport Committee, a copy of the report together with a copy of the committee's review shall be forwarded to the usual or last known address of each councillor at least eight days previous to the ordinary meeting of the corporation in the next following month of October and copies thereof shall be delivered to any person requiring the same on payment of such reasonable fee for each copy as the General Manager, with the previous approval of the Bombay Electric Supply and Transport Committee, shall determine.

Miscellaneous.

Power of Police to regulate traffic on streets.

460OO. Nothing in this Chapter shall limit the powers of any police officer to regulate the passage of any traffic along or across any street along or across which any tramways are laid down and the police officer may exercise his authority as well on as off the tramway, and with respect as well to the traffic of the Bombay Electric Supply and Transport Undertaking as to the traffic of other persons.

Right of public to use streets on which tramway is laid.

460PP. No carriages with flange-wheels or wheels suitable only to run on a grooved rail, except those belonging to the Bombay Electric Supply and Transport Undertaking, shall be entitled to pass along a tramway, but, subject to this provision, nothing in this Act shall take away or abridge the right of the public to pass along or across every or any part of any street along or across which any tramway is laid whether on or off the tramway, with carriages not having flange-wheels or wheels suitable only to run on a grooved rail.

CHAPTER XVII.

BY-LAWS.

[1][By-laws for purposes other than the Bombay Electric Supply and Transport Undertaking.

461. The corporation may from time to time make by-laws, not inconsistent with this Act, with respect to the following matters, namely :—

(a) regulating, in any particular not specifically provided for in this Act, the construction, maintenance and control of drains, ventilation-shafts or pipes, cesspools, water-closets, privies, latrines, urinals, drainage-works of every description, whether belonging to the Corporation or to other persons, municipal water-works, private communication-pipes and other public streets;

(b) regulating all matters and things connected with the supply and use of water;

[1] This marginal note was substituted for the original, by Bom. 48 of 1948, s. 41.

(*c*) the structure of walls, foundations, roofs and chimneys, [1][the number, width and position of staircases, corridors and passages,] [2][the materials, dimensions and strength of floors and staircases and of all scantlings, girders, posts, and columns] of [3]* * * buildings, for securing stability and the prevention of fires [4][and the safety of the inmates in the event of fire] and for purposes of health ;

[5][(*cc*) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public ;]

(*d*) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings ;

[6][(*dd*) the provision and maintenance of suitable means of access to buildings ;]

(*e*) the provision and maintenance of house-gullies ;

(*f*) the control and supervision of all premises used for any of the purposes mentioned in section 394, and of all trades and manufactures carried on therein [7][and the prescribing and regulating of the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of any such premises ;]

(*g*) the inspection of milch-cattle, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy men or milk-sellers ;

(*h*) securing the cleanliness of milk-stores, milk-shops and milk-vessels used by such persons for containing milk ;

(*j*) requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing precautions to be taken for protecting milch-cattle and milk against infection or contamination ;

(*k*) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold ;

(*l*) the control and supervision of butchers carrying on business within the city or at a municipal slaughter-house without the city ;

(*m*) regulating the use of any municipal market-building, market place or slaughter-house or any part thereof ;

(*n*) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the exercise of cruelty therein ;

[8][(*nn*) controlling and regulating the carriage or removal of fish through public streets by fish vendors ;]

[9][(*o*) [10]* * *

(*ii*) publishing a price current ;]

[11][(*oo*) the licensing of hand-carts, other than those exempted from taxation under section 181 or those plying for hire in respect of which licences have been issued under Bombay Act VI of 1863[12] and the seizure and detention of any such hand-carts that have not been duly licensed ;]

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[1] These words were substituted for the original by Bom. 76 of 1948, s. 28.
[2] These words were inserted by Bom. 5 of 1905, s. 56 (*1*) (*b*).
[3] The word "new" was repealed, *ibid.*, s. 56 (*1*) (*a*).
[4] These words were inserted by Bom. 2 of 1911, s. 17 (*1*) (*b*).
[5] Clause (*cc*) was inserted by Bom. 5 of 1905, s. 56 (*2*).
[6] Clause (*dd*) was inserted, *ibid.*, s. 56 (*3*).
[7] These words were added by Bom. 1 of 1916, s. 12.
[8] This clause was inserted by Bom. 76 of 1948, s. 28.
[9] This clause was substituted for the original clause by Bom. 4 of 1921, s. 3.
[10] Sub-clause (*i*) was repealed by the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932), which came into effect in Bombay City on 1st August 1935, *vide* Government Notification, General Department, No. 9518, dated 30th April 1935.
[11] This clause was inserted by Bom. 2 of 1911, s. 17 (*2*).
[12] See now Bom. 6 of 1920.

(*p*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community ;

(*q*) facilitating and securing complete and accurate registration of births and deaths ;

(*r*) the registration of marriages ;

(*s*) facilitating, when requisite, the taking of a census and securing accurate returns ;

(*t*) regulating the delegation of the powers and duties of the standing committee [1][and of the Improvements Committee] to sub-committees ;

(*u*) assigning the functions of the [2]* * * schools committee under sub-section (10) of section 39 [3][and] regulating the exercise by the said committee of its functions so assigned * * * [4] ;

(*v*) determining the constitution, powers and duties of any committee which the corporation may appoint under section 40 or 41 ;

[5][(*vv*) securing the protection of public parks, gardens and open spaces vested in or under the control of the corporation from injury or misuse, regulating their management and the manner in which they may be used by the public, and providing for the proper behaviour of persons in them ;]

[6][(*w*) the management and use of the lands vested in the corporation under sub-section (2) of section 91A;]

[6][(*x*) the management, use and regulation of dwellings constructed for the poorer or working classes under any scheme duly sanctioned under the [7]City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925 ;]

[8][(*y*) the conditions on which loan shall be advanced and the form of application for the advance of a loan under section 354W ; and]

[9](*z*) carrying out generally the provisions and intentions of this Act.

By-laws for purposes of Bombay Electric Supply and Transport Undertaking.

[10][**461A.** (*1*) The corporation may from time to time make by-laws for regulating matters affecting the conduct of the Bombay Electric Supply and Transport Undertaking not inconsistent with the provisions of this Act or of any other enactment applicable to the undertaking or with the provisions of any rules, by-laws, regulations, permit or licence issued thereunder.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such by-laws may provide for the following matters, namely :—

(*a*) the rate of speed to be observed in travelling upon the tramways of the Bombay Electric Supply and Transport Undertaking ;

(*b*) the distances at which carriages using the said tramways shall be allowed to follow one after the other ;

(*c*) the stopping of carriages using the said tramways ;

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[1] These words were inserted by Bom. 13 of 1933, s. 36 (*a*)
[2] The words " joint " was repealed by Bom. 3 of 1907, s. 20 (*a*).
[3] The word " and " was inserted *ibid.*, s. 20 (*b*)
[4] The portion repealed, *ibid.*, is omitted.
[5] This clause was inserted by Bom. 6 of 1922, s. 32.
[6] These clauses were inserted by Bom. 13 of 1933, s. 36 (*b*).
[7] The City of Bombay Improvement Act, 1989, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which has been repealed by Bom. 13 of 1933.
[8] This clause was inserted by Bom. 13 of 1903, s. 36 (*b*).
[9] Clause (*w*) was relettered (2), *ibid.*, s. 36 (*c*).
[10] This section was inserted by Bom. 48 of 1948, s. 42.

(*d*) the hours at which such carriages carrying goods shall run on the tramways;

(*e*) the prevention of the commission of any nuisance in or upon any vehicle of the Bombay Electric Supply and Transport Undertaking used for the conveyance of the public or in or against any premises of the undertaking;

(*f*) generally for regulating the travelling in or upon vehicles of the Bombay Electric Supply and Transport Undertaking used for the conveyance of passengers; and

(*g*) the observance by municipal officers and servants appointed in connection with the Bombay Electric Supply and Transport Undertaking of sobriety, courtesy and special vigilance to prevent danger to persons or vehicles using the streets.

(*3*) In respect of any transport undertaking acquired by the corporation all by-laws and regulations relating to such undertaking in force immediately before such acquisition shall be deemed to have been made under sub-section (*1*) and shall continue in force until altered, repealed or amended by the corporation.]

Punishment may be imposed for breach of by-laws.

462. In making a by-law under [1][section 461 or 461A], the corporation may provide that a breach of it shall be punishable with fine which may extend to twenty rupees and, in the case of a continuing breach with fine which may extend to ten rupees for every day, after conviction for the first breach or after receipt of written notice from the Commissioner to discontinue the breach, during which the breach continues.

By-laws to be confirmed by Central or Provincial Government, as the case may be.

463. No by-law, [2]* * * * * shall have any validity unless and until it is confirmed [3][in the case of a by-law made under clause (*s*) of section 461, by the Central Government, and in the case of any other by-law, by the Provincial Government.]

Commissioner to lay draft by-laws before the corporation for their consideration.

464. It shall be the duty of the Commissioner from time to time to lay before the corporation for their consideration a draft of any by-law which he shall think necessary or desirable for the furtherance of any purpose of this Act.

Hearing by corporation of objections to proposed by-laws.

465. (*1*) No by-law shall be finally approved by the corporation, unless notice of the intention of the corporation to take the same into their consideration has been given by advertisement in the [4][*Official Gazette*] and in the local newspapers six weeks at least before the day of the meeting at which the corporation finally consider such by-law.

(*2*) The corporation shall, before approving the by-law, receive and consider any objection or suggestion which may be made in writing by any person with respect thereto before the day of the said meeting; and any person desiring to object to a by-law, on giving written notice to the president of the corporation, not less than ten days before the day of the said meeting, of the nature of his said objection may, by himself or his counsel, attorney or agent, be heard by the corporation thereon at the said meeting, but not so as that more than one person be heard on the same matter of objection.

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[1] This was substituted for the original words, by Bom. 48 of 1948, s. 43.

[2] The words "made under either of the two last preceding sections," were omitted by the Adaptation of Indian Laws Order in Council.

[3] The words, figures, letter and brackets "in the case of a by-law made under clause (*s*) of section 461, by the Central Government, and in the case of any other by-law, the Provincial Government" were substituted for the words "by Government", *ibid.*

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Proposed by-laws to be open to public inspection.

466. (*1*) For one month at least before the day of the meeting at which the corporation finally consider a by-law, a printed copy of such by-law shall be kept at the chief municipal office for public inspection, and every person shall be permitted at any reasonable time to peruse the same, free of charge.

(*2*) Printed copies of the proposed by-law shall also be delivered to any person requiring the same on payment of such fee, not exceeding one rupee for each copy, as shall be prescribed by the Commissioner.

By-laws confirmed by Central or Provincial Government to be published in the *Bombay Government Gazette.*

467. When any by-law has been confirmed [1][by the Central or the Provincial Government, as the case may be,] it shall be published in the *Bombay Government Gazette,* and thereupon shall have the force of law.

Printed copies of by-laws to be kept on sale.

468. (*1*) The Commissioner shall cause all by-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of a fee of two annas per each copy.

(*2*) Notice of the fact of copies of the by-laws being obtainable at the said price, and of the place where and the person from whom the same are obtainable, shall be given by the Commissioner from time to time by advertisement in the local newspapers.

(*3*) Boards, with the by-laws printed thereon or with printed copies of the by-laws affixed thereto, shall be hung or affixed in some conspicuous part of the municipal office and in such places of public resort, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said boards shall from time to time be renewed by the Commissioner.

Boards for exhibiting by-laws to be open to inspection and not to be injured.

469. (*1*) No municipal officer or servant shall at any reasonable time prevent the inspection of any board provided by the Commissioner, under the last preceding section by any person desiring to inspect the same.

(*2*) No person shall, without lawful authority, destroy, pull down, injure or deface any such boards.

Application of sections 466, 468 and 469 to by-laws under section 461A.

[2][**469A.** In regard to by-laws made or required or proposed to be made under section 461A, the provisions of sections 466, 468 and 469 shall apply as if for the word 'Commissioner' the words 'General Manager' had been substituted, and as if section 468 had provided for the display of the relevant by-laws in every vehicle of the Bombay Electric Supply and Transport Undertaking used for the conveyance of the public.]

Central or Provincial Government, as the case may be, may repeal by-laws.

470. (*1*) If it shall at any time appear to the [3][Provincial Government] that any by-laws should be [4][modified or] repealed either wholly or in part, [5][it] shall cause [5][its] reasons for such opinion to be communicated to the corporation and prescribe a reasonable period within which the corporation may make any representation with regard thereto which they shall think fit.

(*2*) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the prescribed period, the [3][Provincial Government] may at any time, by notification in the

[1] The words "by the Central or the Provincial Government, as the case may be" were substituted for the words "by Government" by the Adaptation of Indian Laws Order in Council.

[2] This section was inserted by Bom. 48 of 1948, s. 44.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] These words were inserted by Bom. 5 of 1905, s. 57 (*a*).

[5] The words "it" and "its" were substituted for the words "he" and "his" respectively by the Adaptation of Indian Laws Order in Council.

[1][*Official Gazette*] [2][modify or] repeal such by-law either wholly or in part: [3][Provided that no by-law shall be modified or repealed in part only by the [4][Provincial Government] if, within the period aforesaid, the corporation have objected to a modification or partial repeal thereof.]

(*3*) The [5][modification or] repeal of a by-law under sub-section (*2*) shall take effect from such date as the [4][Provincial Government] shall in the said notification direct or, if no such date is specified, from the date of the publication of the said notification in the [1][*Official Gazette*], except as to anything done or suffered or omitted to be done before such date.

(*4*) The said notification shall also be published in the local newspapers.

[6][(*5*) The powers conferred by this section on the Provincial Government, shall, in relation to any by-law made under clause (*s*) of section 461, be powers of the Central Government].

CHAPTER XVIII.

PENALTIES.

[7][**471.** Whoever

(*a*) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder; or

(*b*) fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Certain offences punishable with fine.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
[8][Section 19, sub-sections (5A) and (5B).	Requisition by Commissioner ..	One hundred rupees.]
[9]* * *	* * *	*
Section 138 ..	Requisition by auditor appointed for special audit ..	One hundred rupees.
Section 149 ..	Notice to be given of transfer of title ..	Fifty rupees.
Section 150 ..	Requisition to produce instrument of transfer ..	Fifty rupees.
Section 152 ..	Notice to be given of the erection of new building, etc.	Fifty rupees.

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[1] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[2] These words were inserted by Bom. 5 of 1905, s. 57(*b*).

[3] This proviso was substituted for the original proviso, *ibid.*

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] These words were inserted by Bom. 5 1905, s. 57 (*b*).

[6] This sub-section was inserted by the Adaptation of Indian Laws Order in Council.

[7] Section 471 was substituted for the original section by Bom. 5 of 1905, s. 58.

[8] This entry was inserted by Bom. 13 of 1938, s. 30 (*1*).

[9] Entry relating to section 136, sub-section (*2*) was deleted by Bom. 17 of 1938, s. 2, First Schedule.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 188 ..	Notice to be given by person becoming possessed of a vehicle or animal liable to tax.	Fifty rupees.
[1][Section 191A, sub-section (3).	Return to be forwarded by an owner or person in charge of a dog.	Fifty rupees.]
Section 223, sub-section (1).	Buildings, etc., not to be erected without permission over drains.	One hundred rupees.
Section 229 ..	Connections, with municipal drains, etc., not to be made except in conformity with section 227 or 228.	One hundred rupees.
[2][Section 229A, sub-section (1).	Buildings, etc., not to be erected without permission over any drains.	One hundred rupees.].
[2][Section 230A ..	Owner of land to allow others to carry drains through the land.	Fifty rupees.]
Section 231 ..	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain.	Fifty rupees.
Section 232 ..	Requisition to enforce drainage of undrained premises not situate within hundred feet of a municipal drain.	Fifty rupees.
Section 233, sub-section (1), clause (b).	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Fifty rupees.
Section 233A, clause (b).	Drains for sole use of properties to be maintained in good repair, etc., by owner or occupier.	Fifty rupees.
Section 234 ..	New buildings not to be erected without drains ..	Five hundred rupees.
Section 235 ..	Excrementitious matter not to be passed into cesspool.	One hundred rupees.
Section 236 ..	Owners of drains to allow use thereof, or joint ownership therein, to others.	Fifty rupees.
Section 240 ..	Drains not to pass beneath buildings ..	Two hundred rupees.
Section 241 ..	Provisions as to position of cesspools ..	Two hundred rupees.
Section 243, sub-section (2).	Requisition to cover or ventilate drain or cesspool..	Fifty rupees.
Section 246A, sub-section (1).	Water-closets and privies not to be constructed .. without permission or in contravention of terms prescribed.	Two hundred rupees.
Section 247 ..	Buildings newly erected or re-erected to be provided with water-closet and other accommodation.	Two hundred rupees.
Section 248, sub-section (1).	Requisition to enforce provision of privy accommodation, etc.	Fifty rupees.
Section 249 ..	Requisition to provide privy accommodation for factories, etc.,	Two hundred rupees.
Section 249A ..	Requisition respecting unhealthy privies ..	Two hundred rupees.
Section 250, sub-section (1).	Provisions as to privies	Fifty rupees.
Section 251 ..	Provisions as to water-closets ..	Fifty rupees.
Section 251A ..	Provisions as to privies and water-closets ..	Two hundred rupees.
Section 251B ..	Provisions as to use of places for bathing or washing clothes or domestic utensils.	Fifty rupees.
Section 257 ..	Requisition to effect sanitary repairs, etc. ..	Fifty rupees.
Section 258 ..	Prohibition of acts contravening the provisions of Chapter IX or done without sanction.	One hundred rupees.
Section 259A, sub-sections (1) and (4).	Provisions as to employment of licensed plumber and use of work.	Two hundred rupees.

[1] This entry was inserted by Bom. 2 of 1943, s. 4, read with Bom. 8 of 1948, s. 2.
[2] This entry was inserted by Bom. 8 of 1918, s. 18 (a).

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 259A, sub-sections (2) and (3).	Licensed plumber to give and sign certificate ..	Fifty rupees.
Section 268, sub-section (1).	Buildings, etc., not to be erected over water-main without permission.	One hundred rupees.
Section 269, sub-section (3).	Water not to be carried away from public water-supply for sale, and not to be carried in cask, etc., without permission.	Fifty rupees.
Section 270, sub-section (2).	Public water-supply, set apart for particular purpose, not to be used for other purpose.	Twenty rupees.
[1][Section 271, sub-section (2).	Requisition to obtain private water supply and to provide supply and distributing pipes, etc.	Two hundred rupees.]
Section 272, sub-section (1).	Provisions as to the making and renewing of connections with municipal water-works.	Two hundred rupees.
[2][Section 272, sub-section (5).	Provision as to unauthorised connections with municipal water works, etc.	Fifty rupees.]
Section 274 ..	Requisition to provide [3][cistern and fittings or means of access to any cistern].	Fifty rupees.
Section 275 ..	[3][Supply or distributing pipes] etc., to be kept in efficient repair by owner or occupier of premises.	One hundred rupees.
Section 278, sub-section (2).	Reqdisition to remedy defect in meter, [3][supply or distributing pipe], etc.	Fifty rupees.
Section 280 ..	Conditions as to use of water not to be contravened.	[3][One hunpred rupees.]
Section 281 ..	Water pipes, etc., not to be placed where water will be polluted.	One hundred rupees.
Section 282 ..	Prohibition of fraudulent and unauthorised use of water.	One hundred rupees.
Section 283, sub-section (1).	Prohibition of fraud in respect of meters ..	One hundred rupees.
Section 284 ..	Prohibition of wilful or neglectful acts relating to water works.	One hundred rupees.
[4]*	* * * * *	* *
[5][Section 287B, sub-section (1).	Work under Chapter X to be done by licensed plumber.	Two hundred rupees.]
[5][Section 287B, sub-section (2).	Name of licensed plumber to be furnished ..	Fifty rupees.]
Section 297, sub-section (3).	Construction of building, within the regular line of street without permission.	One thousand rupees.
Section 304, sub-section (1).	[6][Land not to be appropriated for building and private street not to be laid out until expiration of notice nor otherwise than in accordance with Commissioner's direction.]	Five hundred rupees.
Section 305 ..	Requisition as to levelling and draining of private streets.	One hundred rupees.
Section 308, sub-section (1).	Prohibition of projections upon streets, etc. ..	Two hundred rupees.
Section 308, sub-section (2).	Requisition to remove the same ..	Two hundred rupees.
Section 309, sub-section (1).	Requisition to remove or alter projections, etc., made before Bombay Act III of 1872 came into force.	Two hundred rupees.
Section 311 ..	Ground floor doors, etc., not to open outwards on streets.	Twenty rupees.
Section 312, sub-section (1).	Prohibition of structures or fixtures causing obstruction in streets.	One hundred rupees.

[1] This entry was inserted by Bom. 5 of 1938, s. 41 (*a*).
[2] This entry was inserted by Bom. 10 of 1928, s. 16 (*1*).
[3] These words were substituted for the original by Bom. 5 of 1938, s. 41 (*c*), (*d*) and (*e*),
[4] The entry relating to section 287, sub-section (2), repealed by Bom. 8 of 1918, s. 18 (*b*) has been omitted.
[5] These entries were inserted, *ibid.* s. 18 (*c*).
[6] These words were substituted for the original words by Bom. 5 of 1920, s. 5.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 313, sub-section (1).	Prohibition of deposits, etc., of things in streets ..	One hundred rupees
[1][Section 313A ..	Prohibition of hawking articles for sale in a public place or street without a licence.	Fifty rupees.]
[2][Section 313B ..	Prohibition in a public place or street, of use of skill in handicraft or in rendering services without licence.	Fifty rupees.]
Section 315 ..	Requisition to remove structures or fixtures erected or set up before section 312 came into force.	One hundred rupees.
Section 316, sub-section (1).	Prohibition of the tethering of animals in public streets	Twenty rupees.
Section 319, sub-section (2).	Direction to close street in which work is in progress ..	Fifty rupees.
Section 321, sub-section (2).	Shoring-timber fence, etc., employed to secure public safety while municipal works are in progress, not to be removed.	Fifty rupees.
Section 322, sub-section (1).	Streets not to be opened or broken up and building materials not to be deposited thereon without permision.	[3][One hundred] rupees.
Section 323 ..	Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Fifty rupees.
Section 324, sub-section (1).	Persons to whom permission is granted under section 322 must re-instate streets.	Fifty rupees.
Section 325 ..	Provision to be made by persons to whom permission is granted under section 322 for traffic, etc., when their works interrupt streets.	Two hundred rupees.
Section 326 ..	Hoards to be set up during work on any building adjacent to a street.	Fifty rupees.
Section 827, sub-section (2).	Name of street and number of house not to be destroyed or defaced.	Twenty rupees.
[4][Section 328, sub-section (1).	Sky-signs not to be erected or retained without permission.	One hundred rupees.]
[4][Section 328A, sub-section (1).	Advertisements on certain [5][sites, vehicles, etc.] not to be exhibited without permission.	One hundred rupees.]
Section 329, sub-section (1).	Requisition to repair, protect or enclose dangerous place.	Fifty rupees.
Section 331 ..	Prohibition of removal, etc., of lamps ..	One hundred rupees.
Section 333, sub-sections (1), (2). and (3).	Provisions as to manner of laying gas-pipes ..	One thousand rupees.
Section 334, sub-section (1).	Requisition to alter situation of gas-pipes, etc. ..	Fifty rupees.
Section 335, sub-section (1).	Buildings, etc., not to be erected without permission over municipal gas-pipes.	One hundred rupees.
Section 344A ..	Provision for supervision of buildings and works ..	Five hundred rupees.
Section 347, sub-section (1).	Work not to be commenced without notice ..	One thousand rupees.
[6][Section 347A ..	Building not to be converted to other purposes without the permission of the Commissioner.	Five hundred rupees.]
[7][Section 347B ..	Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission.	Five hundred rupees.

[1] This entry was inserted by Bom. 1 of 1925, s. 26 (1).
[2] This entry was inserted by Bom. 5 of 1938, s. 41 (f).
[3] The words "One hundred" were substituted for the word "Fifty" by Bom. 6 of 1913, s. 9 (1).
[4] These entries were substituted for the original entry by Bom. 7 of 1921, s. 11.
[5] The words "sites, vehicles, etc." were substituted for the word "sites" by Bom. 19 of 1930, s. 17.
[6] This entry was inserted by Bom. 1 of 1916, s. 13 (a)
[7] Entries relating to sections 347B and 347C were inserted by Bom. 76 of 1948, s. 29.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 347C ..	Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc.	Five hundred rupees.]
Section 349 ..	Roofs and external walls of buildings not to be made of inflammable material.	Ten rupees.
Sections 349A and 349B.	Provision as to height of buildings	One thousand rupees.
Section 349C ..	Provisions as to height of frame buildings ..	One thousand rupees.
[1][Section 349D ..	Alteration and provision of staircase to allow of safe exit in event of fire.	One hundred rupees.]
Section 353 ..	Provisions for enforcement of provisions concerning buildings and works.	One thousand rupees.
Section 353A ..	Provisions as to completion certificates ; permission to occupy or use.	Five hundred rupees.
Section 354 ..	Requisition to remove structures which are in ruins or likely to fall.	Five hundred rupees.
Section 356 ..	Regulations prescribed for licensed surveyors and plumbers.	Twenty rupees.
Section 357 ..	Licensed plumber not to demand or receive more than the prescribed fee.	Twenty rupees.
Section 358 ..	Licensed plumber to be bound to execute work properly.	Twenty rupees.
[2][Section 368 sub-sections (*1*), (*2*), (*3*) and (*4*).	Collection, removal and deposit of refuse and provision of receptacles.	Twenty rupees.]
Section 370 ..	Collection and removal of excrementitious and polluted matter to be provided for by occupiers in certain cases.	Twenty rupees.
Section 371 ..	Halalkhor's duties in certain cases not to be discharged by private individuals without permission.	Ten rupees.
Section 372 ..	Provisions as to removal of refuse	Fifty rupees.
Section 375 ..	Requisition to cleanse and lime-wash building ..	Fifty rupees.
[3][Section 375A ..	Requisition to remove building materials, etc., from any premises.	Fifty rupees.]
Section 377 ..	Requisition to cleanse, etc., neglected premises ..	Fifty rupees.
[4][Section 377A, sub-sections (*1*) and (*2*).	Requisition to abate or to prevent recurrence of a leakage in the roofs of buildings.	Fifty rupees.]
Section 378, sub-section (*2*).	Provisions as to buildings unfit for human habitation.	Five hundred rupees.
Section 379 ..	Owner or occupier of a house, within seven days of receipt of notice, to give statement of accommodation.	Two hundred rupees.
Section 379A, sub-section (*1*).	Requisition by Presidency Magistrate to abate overcrowding.	Two hundred rupees.
Section 379A, sub-section (*3*).	Requisition by owner pursuant to order under sub-section (*1*).	Two hundred rupees.
Section 380 ..	Requisition to remove or alter insanitary huts ..	Fifty rupees.
Section 381 ..	Requisition to fill in pools, etc., which are a nuisance.	[5][One hundred and fifty] rupees.
[6][Section 381A, sub-section (*1*).	Digging or constructing well, etc., without permission.	[7][Two hundred and fifty] rupees.
[6][Section 381A, sub-section (*2*).	Requisition to fill in or demolish well, etc. ..	[7][Two hundred and fifty] rupees.

[1] This entry was inserted by Bom. 2 of 1911, s. 18 (*a*).
[2] This entry was substituted for the original one by Bom. 1 of 1925, s. 26 (*2*).
[3] This entry was inserted by Bom. 1 of 1916, s. 13 (*b*).
[4] This entry was inserted by Bom. 1 of 1925, s. 26 (*3*).
[5] The words "One hundred and fifty" were substituted for the word "fifty" by Bom. 10 of 1928, s. 16 (*2*).
[6] These entries were inserted by Bom. 6 of 1913, s. 9 (*2*).
[7] The words "Two hundred and fifty" were substituted for the word "Fifty" by Bom. 10 of 1928 s. 16 (*3*).

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 382 ..	Requisition to discontinue dangerous quarrying ..	Five hundred rupees.
Section 383, sub-section (*1*).	Requisition to remove or trim trees, shrubs or hedges.	Fifty rupees.
Section 384, sub-section (*1*).	Prohibitions as to the keeping of animals ..	Fifty rupees.
[1][Section 384A ..	Requisition to discontinue, etc., stabling animals or storing grain in dwelling house.	Fifty rupees.]
[2][Section 385, sub-sub-section (*1*).	Prompt notice to be given to health department for removal of carcasses of dead animals.	Ten rupees.]
Section 388, clauses (*e*), (*f*) and (*g*).	Prohibition of bathing, etc., contrary to order or regulation.	Ten rupees.
Section 390, sub-section (*1*).	Factory, etc., not to be newly established [3][or worked] without permission.	One thousand rupees.
[4][Section 390, sub-section (*3*).	Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment.	One thousand rupees.]
Section 392, sub-section (*1*).	Requisition for sanitary regulation of factories, [5]* * *etc.	Two hundred rupees.
Section 393, sub-section (*1*).	Prohibition of use of steam whistle, etc., without permission.	Fifty rupees.
[6][Section 394, sub-section (*1*).	Certain things not to be kept and certain trades and operations not to be carried on, without a licence.	Five hundred rupees.]
[6][Section 394, sub-section (*4*).	Licence to be kept on the premises	Twenty rupees.]
Section 395, sub-section (*1*).	Prohibition of corruption of water by chemicals, etc.	One thousand rupees.
Section 397, sub-section (*1*).	Regulation of washing of clothes by washermen. ..	Twenty rupees.
Section 401, sub-section (*1*).	Prohibition of sale in municipal market without licence.	Fifty rupees.
Section 402, sub-section (*2*).	New private market not to be opened without sanction.	One thousand rupees.
Section 403, sub-section (*1*), clause (*a*).	Private market not to be kept open without licence.	Fifty rupees.
Section 403, sub-section (*1*), clauses (*b*) and (*c*).	Using place as slaughter-house without licence, within or without city.	Two hundred rupees.
Section 404 ..	Prohibition of sale in unauthorized private markets.	Fifty rupees.
Section 405 ..	Requisition to pave and drain private market buildings and slaughter-houses.	Two hundred rupees.
Section 406 ..	Regulations framed for markets and slaughter-houses.	Fifty rupees.
[7][Section 407A ..	Removal of cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.	Fifty rupees.]
Section 408, sub-section (*2*).	Regulations and table of stallage-rents posted up in markets and slaughter-houses not to be destroyed or defaced.	Ten rupees.
Section 410, sub-section (*1*).	Prohibition of sale of animals, etc., except in a market.	Fifty rupees.
Section 411 ..	Butchers and persons who sell the flesh of animals to be licensed.	One hundred rupees.

[1] This entry was inserted by Bom. 1 of 1916, s. 13 (*c*).
[2] This entry was substituted for the original entry by Bom. 5 of 1920, s. 5.
[3] These words were inserted by Bom. 1 of 1916, s. 13 (*d*).
[4] This entry was inserted, *ibid.*, s. 13 (*e*).
[5] The word "bakehouses" was repealed by Bom. 2 of 1911, s. 18 (*b*).
[6] These entries were substituted for the original entries, *ibid.*, s. 18 (*c*).
[7] This entry was inserted by Bom. 12 of 1936, s. 9.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 412, sub-section (*1*).	Prohibition of import of cattle, etc., into the city without permission.	One hundred rupees.
[1][Section 412A ..	[2][Milk, butter, etc., not to be sold without a licence.]	One hundred rupees.]
[3]* *	* * *	* *
Section 421 ..	Information to be given of existence of dangerous disease by medical practitioners.	One hundred rupees.
Section 423, sub-section (*2*).	Prohibition of use for drinking of water likely to cause dangerous disease.	Two hundred rupees.
Section 424, sub-section (*2*).	Direction to remove patients to hospitals ..	One hundred rupees.
Section 425, sub-section (*1*).	Requisition to disinfect buildings	One hundred rupees.
[4][Section 426A, sub-section (*1*).	Second-hand clothing and bedding not to be brought into city without informing the Commissioner and getting them inspected.	Five hundred rupees.
Section 426A, sub-section (*4*).	Second-hand clothing and bedding brought into city not to be dealt with or disposed of until a certificate by the Commissioner has been given.	Five hundred rupees.];
Section 427, sub-section (*2*).	Where a place for washing of infected articles has been appointed, such articles not to be washed at places not so appointed.	One hundred rupees.
Section 427, sub-section (*3*).	Direction to disinfect or destory infected articles ..	One hundred rupees.
Section 428, sub-section (*1*).	Persons suffering from dangerous disease not to enter a public conveyance without notifying the same.	Fifty rupees.
Section 430 ..	Provisions as to carriage of persons suffering from dangerous disease in public conveyances.	Five hundr ed rupees.
Section 431 ..	Public conveyance which has carried a person suffering from dangerous disease to be disinfected.	Five hundred rupees.
Section 432, sub-section (*1*).	Infected articles not to be transmitted, etc., without previous disinfection.	Five hundred rupees.
Section 433, sub-section (*1*).	Infected building not to be let without being first disinfected.	Five hundred rupees.
Section 435 ..	Places for the disposal of the dead to be registered.	One hundred rupees.
Section 437 ..	New places for disposal of the dead not to be opened without permission.	Five hundred rupees.
Section 440, sub-section (*1*).	Prohibition of burials within places of worship and exhumations without permission.	Five hundred rupees.
Section 441 ..	Acts prohibited in connection with the disposal of the dead.	One hundred rupees.
Section 446, sub-section (*1*).	Information of birth to be given within seven days.	One hundred rupees.
Section 447 ..	Information respecting finding of new-born child to be given.	One hundred rupees.
Section 449 ..	Information of death to be given at the time when the corpse of the deceased is disposed of.	One hundred rupees.
Section 450, sub-section (*1*).	Medical practitioner who attended a deceased person to certify the cause of his death.	One hundred rupees.
Section 457, sub-sections (*1*) and (*3*).	Obligation to fill up blank schedules and returns.	Fifty rupees.
Section 458 ..	Occupier to amend returns, if found defective ..	Two hundred rupees.

[1] This entry was inserted by Bom. 6 of 1913, s. 9 (*3*).

[2] These words were substituted for the original words " dealers in and sellers of milk to be licensed " by Bom. 6 of 1916, s. 9.

[3] Entries relating to section 420 which were inserted by Bom. 4 of 1921, s. 4, were repealed by the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932), which came into effect in Bombay City on 1st August 1935, *vide* Government Notification, General Department, No. 9518, dated 30th April 1935.

[4] These entries were inserted by Bom. 76 of 1948, s. 29.

Section, sub-section or clause. 1	Subject. 2	Fine which may be imposed. 3
Section 459 ..	Military, naval and police officers and certain others, if required, to act as enumerators.	One hundred rupees.
Section 469, sub-section (*1*).	Boards for exhibiting by-laws to be open to inspection.	Fifty rupees.
Section 469, sub-section (*2*).	The same not to be injured ..	Ten rupees.
Section 479, sub-section (*5*).	Grantee to be bound to produce licence or written permission.	Fifty rupees.
Section 507, sub-section (*3*).	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Cause Court.	Two hundred rupees.

Continuing offences.

[1][**472.** Whoever, after having been convicted of—

(*a*) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of the following table, or of any regulation made thereunder, or

(*b*) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provision or to neglect to comply with the said requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punished, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subject of the sections, sub-sections and clauses, the numbers of which are given in the first column.

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 223, sub-section (*1*).	Buildings, etc., not to be erected without permission over drains.	Ten rupees.
Section 229 ..	Connections with municipal drains, etc., not to be made except in conformity with section 227 or 228.	Ten rupees.
[2][Section 229A, sub-section (*1*).	Buildings, etc., not to be erected without permission over any drains.	Ten rupees.]
[2][Section 230A ..	Owner of land to allow others to carry drains through the land.	Five rupees.]
Section 231 ..	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain.	Five rupees.
Section 232 ..	Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.	Five rupees.
Section 233, sub-section (*1*), clause (*b*).	Direction limiting use of drain or notice requiring the construction of a distinct drain.	Five rupees.

[1] Section 472 was substituted for the original section by Bom. 5 of 1905, s. 58.
[2] These entries were inserted by Bom. 8 of 1918, s. 19 (*a*).

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 233A, clause (*b*).	Drain for sole use of property to be maintained in good repair, etc., by owner or occupier of property.	Five rupees.
Section 236 ..	Owners of drains to allow use thereof or joint ownership therein to others.	Five rupees.
[1][Section 240 ..	Drains not to pass beneath buildings ..	Ten rupees.]
Section 243, sub-section (*2*).	Requisition to cover or ventilate drain or cesspool ..	Five rupees.
Section 248, sub-section (*1*).	Requisition to enforce provision of privy accommodation, etc.	Five rupees.
Section 249 ..	Requisition to provide privy accommodation for factories, etc.	Twenty rupees.
Section 249A ..	Requisition respecting unhealthy privies	Twenty rupees.
Section 250, sub-section (*1*).	Provisions as to privies	Five rupees.
Section 251 ..	Provisions as to water-closets	Five rupees.
Section 257 ..	Requisition to effect sanitary repairs, etc. ..	Five rupees.
[2][Section 258 ..	Prohibition of acts contravening the provisions of Chapter IX or done without sanction.	Ten rupees.]
Section 259A, sub-sections (*1*) and (*4*).	Provisions as to employment of licensed plumber and use of work.	Fifty rupees.
Section 259A, sub-sections (*2*) and (*3*).	Licensed plumber to give and sign certificate ..	Ten rupees.
Section 268, sub-section (*1*).	Buildings, etc., not to be erected over water main without permission.	Ten rupees.
Section 297, sub-section (*3*).	Buildings not to be constructed within the regular line of street without permission.	One hundred rupees.
Section 305 ..	Requisition as to levelling and draining of private streets.	Ten rupees.
Section 312, sub-section (*1*).	Prohibition of structures or fixtures causing obstruction in streets.	Ten rupees.
Section 313, sub-section (*1*).	Prohibition of deposit, etc., of things in streets ..	Ten rupees.]
[3][Section 313A ..	Prohibition of hawking or exposing for sale any article in a public place or street without a licence.	Five rupees.]
[4][Section 313B ..	Prohibition in a public place or street, of use of skill in handicraft or in rendering services without licence.	Five rupees.]
Section 315 ..	Requisition to remove structures or fixtures erected or set up before section 312 came into force.	Ten rupees.
Section 322, sub-section (*1*).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission.	Fifty rupees.
Section 323 ..	Precautions for public safety to be taken by persons to whom permission is granted under section 322.	Fifty rupees.
Section 324, sub-section (*1*).	Persons to whom permission is granted under section 322, must reinstate streets.	Ten rupees.
Section 326 ..	Hoards to be set up during work on any building adjacent to a street.	Twenty rupees.
[5][Section 328, sub-section (*1*).	Sky-signs not to be erected or retained without permission.	Ten rupees.]
[5][Section 328A, sub-section (*1*). .	Advertisements on certain [6][sites, vehicles, etc.] not to be exhibited without permission.	Ten rupees.]
Section 329, sub-section (*1*).	Requisition to repair, protect or enclose dangerous place.	Five rupees.

[1] This entry was inserted, by Bom. 8 of 1918, s. 19 (*b*).
[2] This entry was inserted, *ibid*, s. 19 (*c*).
[3] This entry was inserted by Bom. 19 of 1930, s. 18 (*a*).
[4] This entry was inserted by Bom. 5 of 1938, s. 42.
[5] These entries were inserted by Bom. 7 of 1921, s. 12.
[6] The words "sites, vehicles, etc." were substituted for the word "sites" by Bom. 19 of 1930, s. 18 (*b*).

Section, sub-section or clause. 1	Subject. 2	Daily fine which may be imposed. 3
Section 334, sub-section (*1*).	Requisition to alter situation of gas-pipes, etc. ..	Ten rupees.
Section 335, sub-section (*1*).	Buildings, etc., not to be erected without permission over municipal gas-pipe.	Ten rupees.
Section 344A ..	Provision for supervision of buildings and works ..	One hundred rupees.
Section 347, sub-section (*1*).	Work not to be commenced without notice ..	One hundred rupees.
[1][Section 347A ..	Building not to be converted to other purposes without the permission of the Commissioner.	One hundred rupees.]
[2][Section 347B ..	Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc. without permission.	One hundred rupees.
Section 347C ..	Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc.	One hundred rupees.]
Section 349 ..	Roof and external walls of buildings not to be of inflammable material.	Five rupees.
Sections 349A and 349B.	Provisions as to height of buildings	One hundred rupees.
Section 349C ..	Provisions as to height of frame-buildings ..	One hundred rupees.
[3][Section 349D ..	Alteration and provision of staircases to allow of safe exit in event of fire.	Ten rupees.]
Section 353A ..	Provisions as to completion certificates: permission to occupy or use.	One hundred rupees.
Section 354 ..	Requisition to remove structures which are in ruins or likely to fall.	One hundred rupees.
[4][Section 358 ..	Licensed plumber to be bound to execute work properly.	Five rupees.]
[5][Section 368, sub-sections (*1*), (*2*), (*3*) and (*4*).	Collection, removal and deposit of refuse and provision of receptacles.	Ten rupees.]
Section 372 ..	Provisions as to removal of refuse	Ten rupees.
Section 375 ..	Requisition to cleanse and lime-wash building ..	Five rupees.
[6][Section 375A ..	Requisition to remove building materials, etc., from any premises.	Five rupees.]
Section 377 ..	Requisition to cleanse, etc., neglected premises ..	Five rupees.
[7][Section 377A, sub-sections (*1*) and (*2*).	Requisition to abate or to prevent recurrences of leakage in the roofs of buildings.	Fifteen rupees.]
Section 379 ..	Owner or occupier of a house, within seven days of receipt of notice to give statement of accommodation.	Twenty rupees.
Section 379A, sub-section (*1*).	Requisition by Presidency Magistrate to abate overcrowding.	Twenty rupees.
Section 379A, sub-section (*3*).	Requisition by owner pursuant to order under sub-section (*1*).	Twenty rupees.
Section 380 ..	Requisition to remove or alter insanitary hut ..	Five rupees.
Section 381 ..	Requisition to fill in pools, etc., which are a nuisance.	[8][Fifteen] rupees.
[9][Section 381A, sub-section (*2*).	Requisition to fill in or demolish well, etc. ..	[10][Twenty] rupees.]

[1] This entry was inserted by Bom. 1 of 1916, s. 14 (*a*).
[2] These entries were inserted by Bom. 76 of 1948, s. 30.
[3] This entry was inserted by Bom. 2 of 1911, s. 19 (*a*).
[4] This entry was inserted by Bom. 8 of 1918, s. 19 (*d*).
[5] This entry was added by Bom. 1 of 1925, s. 27 (*1*).
[6] This entry was inserted by Bom. 1 of 1916, s. 14 (*b*).
[7] This entry was inserted by Bom. 1 of 1925, s. 27 (*2*).
[8] The word "fifteen" was substituted for the word "five" by Bom. 10 of 1928, s. 17 (*1*).
[9] This entry was inserted by Bom. 6 of 1913, s. 10 (*a*).
[10] The word "Twenty" was substituted for the word "Five" by Bom. 10 of 1928, s. 17 (*2*).

Section, sub-section or clause.	Subject.	Daily fine which may be imposed.
1	2	3
Section 382 ..	Requisition to discontinue dangerous quarrying ..	One hundred rupees.
Section 383, sub-section (*1*).	Requisition to remove or trim trees, shrubs or hedges..	Five rupees.
Section 384, sub-section (*1*).	Prohibition as to the keeping of animals	Five rupees.
[1][Section 384A ..	Requisition to discontinue, etc., stabling animals in dwelling house.	Twenty rupees.]
[1][Section 390, sub-section (*1*).	Prohibition of working of factory, etc., established without written permission.	Five hundred rupees.]
[1][Section 390, sub-section (*3*).	Prohibition of continuance or resumption of working of factory, etc., after revocation of written permission for its establishment.	Five hundred rupees.
Section 392, sub-section (*1*).	Requisition for sanitary regulation of factories, [2]*etc.	One hundred rupees.
[3][Section 394, sub-section (*1*).	Certain things not to be kept, and certain trades not to be carried on, without a licence.	Fifty rupees.]
[3][Section 394, sub-section (*4*).	Licence to be kept on the premises	Five rupees.]
Section 395, sub-section (*1*).	Prohibition of corruption of water by chemicals, etc.	Five hundred rupees.
Section 397, sub-section (*1*).	Regulation of washing of clothes by washermen ..	Five rupees.
Section 403, sub-section (*1*).	Private markets not to be kept open without licence.	Fifty rupees.
Section 405 ..	Requisition to pave and drain private market-buildings and slaughter houses.	Fifty rupees.
Section 411 ..	Butchers and persons who sell the flesh of animals to be licensed.	Ten rupees.
[4][Section 412A ..	[5][Milk, butter, etc., not to be sold without a licence.]	Five rupees.]
Section 425, sub-section (*1*).	Requisition to disinfect buildings	Ten rupees.
[6][Section 426A, sub-section (*1*).	Second-hand clothing and bedding not to be brought into city without informing the Commissioner and getting them inspected.	One hundred rupees.]
[6][Section 426AA, sub-section (*4*).	Second-hand clothing and bedding brought into city not to be dealt with or disposed of until a certificate by the Commissioner has been given.	One hundred rupees.]
Section 479, sub-section (*5*).	Grantee to be bound to produce licence or written permission.	Ten rupees.
Section 507, sub-section (*3*).	Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by Chief Judge of Small Cause Court.	Fifty rupees.

Offences punishable under the Penal Code.

473. Whoever contravenes any provision of any of the sections, sub-sections or clauses of this Act hereinbelow in this section mentioned or of any regulation made thereunder, and whoever fails to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code

XLV of 1860.

[1] These entries were inserted by Bom. 1 of 1916, s. 14 (*c*).
[2] The word "bakehouse" was repealed by Bom. 2 of 1911, s. 19 (*b*).
[3] These entries were substituted for the original entries, *ibid.*, s. 19 (*c*).
[4] This entry was inserted by Bom. 6 of 1913, s. 10 (*2*).
[5] These words were substituted for the words "Dealers in and sellers of milk to be licensed" by Bom. 6 of 1916, s. 9.
[6] These entries were inserted by Bom. 76 of 1948, s. 30.

hereinbelow in this section respectively specified as the section of the said Code under which such person shall be punishable, namely :—

Sections of this Act.	Sections of the Indian Penal Code under which offenders are punishable.
[1][19 (*5*) and (*5A*)	176 or 177, as the case may be.]
28, clause (*j*)	177.
155, sub-sections (*1*) and (*2*), 187	176 or 177, as the case may be.
[2][158, sub-section (*3*)	177.]
388, clauses (*a*), (*b*), (*c*) and (*d*), 389	277.
434, sub-section (*1*)	188.

Punishment for offences of preparing false election rolls or making false entries in ward lists.

[3][**473A.** Any officer or servant of the corporation who knowingly prepares or makes an entry in the list of persons qualified to be enrolled which is incorrect or false shall, on conviction, be punishable with imprisonment of either description which may extend to six months or with fine which may extend to Rs. 500.]

Punishment for acquiring share or interest in contract, etc., with the corporation.

474. Any councillor who knowingly acquires, directly or indirectly, any share of interest in any contract or employment with, by or on behalf of the corporation, not being a share or interest such as, under section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, and any Commissioner, Deputy Commissioner, municipal officer or servant who knowingly acquires directly or indirectly, any share or interest in any contract or employment with, by or on behalf of the corporation, not being a share or interest such as, under clauses (*h*) and (*k*) of section 16, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Punishment of offences against section 267.

475. (*1*) Whoever contravenes any provision of sub-section (*1*) of section 267 shall be punished with imprisonment which may extend to one month, or with fine which may extend to one hundred rupees or with both.

(*2*) When any person is convicted under sub-section (*1*), the Magistrate who convicts him may order the immediate removal of any building or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(*3*) If any order made under sub-section (*2*) is disobeyed or the execution thereof resisted, the offender shall be punished with, imprisonment which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Punishment of offences against section 391.

476. Whoever contravenes any provision of section 391, whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend, on a first conviction, to one hundred rupees and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last preceding conviction.

[1] This entry was inserted by Bom. 13 of 1938, s. 30 (*2*).
[2] This entry was inserted by Bom. 76 of 1948, s. 31.
[3] This section was inserted by Bom. 13 of 1938, s. 30 (*3*).

477. No person, who receives the rent of any premises in any capacity described in sub-clauses (*i*), (*ii*) and (*iii*) of clause (*m*) of section 3, shall be liable to any penalty under this Act for omitting to do any act as the owner of such premises, if he shall prove that his default was caused by his not having funds of, or due to, the owner sufficient to defray the cost of doing the act required. Extent of penal responsibility of agents and trustees of owners.

478. The law for the time being in force for the punishment of offences relating to the levy or payment of customs duties and the grant of drawbacks, in connection therewith and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the levy, payment and refund of town-duties, and any omission or misdescription in passing for exports any goods in respect of which refund of town-duties may be claimable shall be punishable as if such omission or misdescription had been made in passing the said goods for import. Punishment of offences relating to town duties.

[1][**478A.** Any person who wilfully obstructs any person acting under the authority of the General Manager in the lawful exercise of his powers in setting out, making, laying down, repairing or renewing a tramway belonging to the Bombay Electric Supply and Transport Undertaking or injures or destroys any mark made for the purpose of setting out the line of the tramway shall for each such offence be punished with fine which may extend to fifty rupees.] Penalty for obstructing General Manager in exercise of powers.

[1][**478B.** Any person who without lawful excuse, the proof whereof shall lie on him, wilfully does any of the following things, namely :— Penalty for interfering with tramways.

(*i*) interferes with, removes or alters any part of a tramway belonging to the Bombay Electric Supply and Transport Undertaking or of any work connected therewith ; or

(*ii*) does or causes to be done anything in such a manner as to obstruct any carriage using the tramway ; or

(*iii*) knowingly aids or assists in the doing of any such thing,

shall for each such offence be punished with fine which may extend to one hundred rupees in addition to any liability to which he may be subject by way of proceedings on a criminal charge or otherwise.]

CHAPTER XIX.

PROCEDURE.

Licences.

479. (*1*) Whenever it is provided in this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 68 to grant the same. Licences and written permission to specify conditions, etc., on which they are granted.

(*2*) For every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the corporation. Fees to be chargeable.

(*3*) Subject to the provisions of [2][clauses (*d*) and (*dd*)] of section 403, any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted, or if the said person is convicted of an infringement of any of the provisions of this Act or of any regulation or by-law made hereunder in any matter to which such licence or permission relates. Licences and written permissions may be revoked, etc.

[1] Sections 478A and 478B were inserted by Bom. 48 of 1948, s. 45.

[2] The words, letters and brackets "clauses (*d*) and (*dd*)" were substituted for the word, letter and brackets "clause (*d*)" by Bom. 32 of 1935, s. 14.

When licence or written permission is revoked, etc., grantee to be without a licence or written permission.

(*4*) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the Commissioner's order for suspending or revoking the licence or written permission is cancelled by him, or until the licence or written permission is renewed, as the case may be.

Grantees to be bound to produce licence or written permission.

(*5*) Every person to whom any such licence or written permission has been granted shall at all reasonable times, while such written permission or licence remains in force, if so required by the Commissioner, produce such licence or written permission.

Public notices and advertisements.

Public notices how to be made known.

480. Whenever it is provided by this Act that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Commissioner [1][or the General Manager] or of a municipal officer empowered under section [2][68 or 68B] to give the same, and shall be widely made known in the locality to be affected thereby, by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of *bataki*, or by advertisement in the local newspapers, or by any two or more of these means and by any other means that he shall think fit.

Advertisements how to be made.

481. Whenever it is provided by this Act that notice shall be given by advertisement in the local newspapers, or that a notification or any information shall be published in the local newspapers, such notice, notification or information shall be inserted, if practicable, in at least two English newspapers, one Marathi newspaper and one Gujarati newspaper published in the city.

Consent, etc. of [3][Commissioner, General Manager, etc.], may be proved by written document under his signature.

482. Whenever under this Act the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of [3][the Commissioner or the General Manager] or of a Deputy Commissioner or any municipal officer, a written document signed by [3][the Commissioner or the General Manager] or by such Deputy Commissioner or municipal officer, purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

Service of notices, etc.

Notice, etc., by whom to be served or presented.

483. Notices, bills, schedules, summonses and other such documents required by this Act or by any regulation or by-law made under this Act to be served upon or issued, or presented or given to any person, shall be served, issued or presented or given by municipal officers or servants or by other persons authorized by [3][the Commissioner or the General Manager] in this behalf.

Service how to be effected on owners of premises and other persons.

484. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or issued or presented to any person such service, issue or presentation shall, except in the cases otherwise expressly provided for in section 485, be effected—

(*a*) by giving or tendering to such person the said notice, bill, schedule, summons or other document; or

(*b*) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the city, or by giving or tendering the same to some adult male member or servant of his family; or

[1] These words were inserted by Bom. 48 of 1948, s. 46.
[2] This was substituted for the figures "68", *ibid.*
[3] These words were substituted for the original, *ibid*, s. 47.

(*c*) if such person does not reside in the city and his address elsewhere is known to [1][the Commissioner or the General Manager], by forwarding the said notice, bill, schedule, summons or other document to him by post under cover, bearing the said address ; or

(*d*) if none of the means aforesaid be available, by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Service on "owner or occupier" of premises how to be effected.

485. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or by-law made under this Act, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section but as follows, namely :—

(*a*) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land ; or

(*b*) if the owner or occupier or no one of the owners or occupiers is found, by giving or tendering the said notice, bill, schedule, summons or other document to some adult male member or servant of the family of the owner or occupier or of any one of the owners or occupiers ; or

(*c*) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

The three last sections inapplicable to Magistrate's summonses.

486. Nothing in the three last preceding sections applies to any summons issued under this Act by a Magistrate.

Signature on notices, etc., may be stamped.

487. (*1*) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or by any regulation or by-law framed under this Act to bear the signature of the Commissioner [2][or the General Manager] or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner [2][or the General Manager] or of such municipal officer, as the case may be, stamped thereupon.

(*2*) Nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund under section 113 [3][or upon the Bombay Electric Supply and Transport Fund under section 460BB, or sub-section (*3*) of section 460KK, or sub-section (*4*) of section 460LL].

Power of entry.

Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.

488. The Commissioner [4][or General Manager] may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or survey or to execute any work which is authorized by this Act or by any regulation or by-law framed under this Act to be made or executed, or which it is necessary for any of the purposes, or in pursuance of any of the provisions, of this Act or of any such regulation or by-law, to make or execute :

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

[1] These words were substituted for the original by Bom. 48 of 1948, s. 47.
[2] These words were inserted, *ibid.*, s. 48.
[3] This portion was added, *ibid.*
[4] These words were inserted, *ibid.*, s. 49.

(*b*) except when it is in this Act otherwise expressly provided, no building which is used as a human dwelling shall be so entered unless with the consent of the occupier thereof, without giving the said occupier not less than twenty-four hours' previous written notice of the intention to make such entry, and unless for any sufficient reason it shall be deemed inexpedient to furnish such information, of the purpose thereof;

(*c*) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed;

(*d*) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Enforcement of orders to execute works, etc.

Works, etc., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.

489. (*1*) When any requisition or order is made, by written notice, by the Commissioner or by any municipal officer empowered under section 68 in this behalf, under any section, sub-section or clause of this Act mentioned in sub-section (*2*), a reasonable period shall be prescribed in such notice for carrying such requisition or order into effect, and if, within the period so prescribed, such requisition or order or any portion of such requisition or order is not complied with, the Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or order so made; and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

[1][(*2*) The sections, sub-sections and clauses of this Act referred to in sub-section (*1*) are the following, namely :—

Section 230, sub-section (*5*).
" 231.
" 232.
" 233, clause (*b*).
" 233A, " (*b*).
" 243, sub-section (*2*).
" 248, " (*1*).
" 249A.
" 257.
" 271, sub-section (*2*).
" 272, " (*5*).
" 274, sub-sections (*1*) and (*1A*).
" 274A, sub-sections (*1*) and (*2*).]
" 278.
" 305.
" 308, sub-section (*2*).
" 309, " (*1*).
" 311.
" 315.
" 325.
" 326, sub-section (*3*).
[2][" 327, " (*1*), clause (*d*).]
[4][" 328, " (*3*).]
[5][" 328A, " (*3*).]

Section 329, sub-section (*1*).
" 334, " (*1*).
" 338, " (*2*).
" 349, " (*2*).
" 352.
" 353.
" 354.
[5][" 368, sub-sections (*1*), (*2*), (*3*) and (*4*).]
" 375.
[6][" 375A.]
" 376.
" 377.
[6][" 377A.]
" 380.
" 381.
[7][" 381A, sub-section (*2*).]
" 382.
" 383, sub-section (*1*).
" 392, " (*1*).
" 405.
" 425, sub-section (*1*).]

[1] Sub-section (*2*) of section 489 was substituted for the original sub-section by Bom. 5 of 1905, s. 59.
[2] These entries were inserted by Bom. 5 of 1938, s. 43.
[3] This entry was inserted by Bom. 2 of 1911, s. 20.
[4] This entry was inserted by Bom. 7 of 1921, s. 13.
[5] This entry was substituted for the original one by Bom. 1 of 1925, s. 28 (*1*).
[6] These entries were added, *ibid.*, s. 28 (*2*).
[7] This entry was inserted by Bom. 6 of 1913, s. 11.

(*3*) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

490. (*1*) The expenses incurred by the Commissioner in effecting any removal under section 314 [1][or sub-section (*3*) of section 322] or, in the event of a written notice issued under sub-section (*1*) of section 315 or section 354 or 380 not being complied with, under section 489, shall be recoverable by sale of the materials, removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

Recovery of expenses of removals by the Commissioner under sections 314, 315, 354 and 380.

(*2*) But, if the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof.

(*3*) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit [2][if perishable forthwith, and if other than perishable,] as soon as conveniently may be after one month from the date of their removal, whether the expenses of the removal have in the meantime been paid or not and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and, if necessary, of the removal, be paid to the credit of the municipal fund, and shall be the property of the corporation.

Recovery of expenses by the Commissioner [3][*and the General Manager*].

491. (*1*) Whenever under this Act, or any regulation or by-law made under this Act, the expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner [4][or the General Manager] or of any municipal officer empowered under section [5][68 or 68B] in this behalf are payable by any person, the same shall be payable on demand.

Expenses recoverable under this Act to be payable on demand; and if not paid on demand may be recovered as an arrear of property-tax.

(*2*) If not paid on demand the said expenses shall be recoverable by the Commissioner [4][or the General Manager] subject to the provisions of sub-section (*2*) of section 503, by distress and sale of the goods and chattles of the defaulter, as if the amount thereof were a property-tax due by the said defaulter.

492. (*1*) If the said expenses are due in respect of some work executed or thing done to, upon or in connection with, some building or land or of some measure taken with respect to some building or land [6][or in respect of some work executed or thing done or measure taken for giving effect to any requisition or order made under sub-section (*1-A*) of section 377] and the defaulter is the owner of such building or land [7][or of the premises referred to in sub-section (*1-A*) of section 377, as the case may be,] the amount thereof may be demanded from any person who at any time, before

If the defaulter is the owner of premises in respect of which expenses are payable, the occupier to be also liable for payment thereof.

[1] These figures, brackets and words were inserted by Bom. 6 of 1913, s. 12.
[2] These words were inserted by Bom. 19 of 1930, s. 19.
[3] These words were added by Bom. 48 of 1948, s. 50.
[4] These words were inserted, *ibid.*
[5] This was substituted for the figures "68", *ibid.*
[6] This portion was inserted by Bom. 5 of 1938, s. 44 (*1*) (*a*)
[7] This portion was substituted, *ibid.*, s. 44 (*1*) (*b*).

the said expenses have been paid, occupies the said [1][building, land or premises] under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the goods and chattels of the said person, as if the amount thereof were a property-tax due by him:

(*2*) Provided as follows, namely—

(*a*) unless the said person neglects or refuses, at the request of the Commissioner [2][or the General Manager], truly to disclose the amount of the rent payable by him in respect of the said [1][building, land or premises] and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any large sum than, up to the time of demand, is payable by him to the owner on account of rent of the said [1][building, land or premises]; but it shall rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner;

(*b*) the said person shall be entitled to credit in account with the owner for any sum paid by or recovered from him on account of the said expenses;

(*c*) nothing in this section shall affect any agreement made between the said person and the owner of the [3][building, land or premises] in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

Commissioner [4][or General Manager] may agree to receive payment of expenses in instalments.

493. Instead of recovering any such expenses as aforesaid in any manner hereinbefore provided, the Commissioner [5][or the General Manager may, if he thinks fit and with the approval of the standing committee or the Bombay Electric Supply and Transport Committee, as the case may be,] take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon [6][at such rate not exceeding nine per centum per annum as the standing committee may fix from time to time,] within a period of not more than five years.

What expenses may be declared to be improvement expenses.

494. If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections 227, clause (*c*), 230, 231 233, clause (*b*), 248, sub-section (*1*), 257, 272, 274, sub-section (*1*), 305, 352, sub-section (*1*), 376, 381 and 405, the Commissioner may, if he thinks fit and with the approval of the corporation, declare such expenses to be improvement expenses [7][and on such declaration being made, such expenses, together with interest thereon payable under section 495, shall be a charge on the premises in respect of which or for the benefit of which the expenses have been incurred.]

Improvement expenses by whom payable.

495. (*1*) Improvement expenses [8]* * * * * * * * * shall be recoverable in instalment of such amount not being less for any premises than twelve rupees per annum, and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of six per centum per annum within such period not exceeding thirty years as the Commissioner, with the approval of the corporation, may in each case determine.

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[1] These words were substituted by Bom. 5 of 1938, s. 44 (*1*) (*c*) and (*2*).
[2] These words were inserted by Bom. 48 of 1948, s. 51.
[3] These words were substituted by Bom. 5 of 1938, s. 44 (*2*).
[4] These words were inserted by Bom. 48 of 1948, s. 52.
[5] These words were substituted for the original, *ibid.*
[6] These words were substituted for the original by Bom. 76 of 1948, s. 32.
[7] This portion was added, *ibid.*, s. 33.
[8] The words were deleted, *ibid.*, s. 34.

(2) The said instalments shall be payable by the occupier of the premises [1][on which the expenses and interest thereon] are so charged or, in the event of the said premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the same, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises, so long as the same continue to be unoccupied.

Proportion of improvement expenses may be deducted from rent.

496. (1) Where the occupier by whom any improvement expenses [2][together with interest thereon] are paid holds the premises on which the expenses [2][together with interest thereon] are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses [2][and interest thereon as aforesaid] from the rent payable by him to his landlord, and, if he holds at a rent less tnan the rack-rent, he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses [2][and interest thereon as aforesaid] as his rent bears to the rack-rent.

(2) And if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years is unexpired (but not otherwise), he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof:

(3) Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses.

497. At any time before the expiration of the period for the payment of any improvement expenses [3][together with interest thereon] the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses [4][and such interest due, if any, as may not have been already paid or recovered.]

Recovery of instalments due under sections 493 and 495.

498. Any instalment payable under section 493 or section 495, which is not paid when the same becomes due, may be recovered by the Commissioner [5][or the General Manager] by distress and sale of the goods and chattels of the person by whom it is due as if it were a property-tax due by the said person.

In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

499. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act or under any regulation or by-law made under this Act, the occupier, if any, of such building or land may, with the approval of the Commissioner, excute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may deduct the amount thereof from the rent which from time to time becomes due by him to the owner.

Limitation of liability of agent or trustee of owner.

500. No person who receives the rent of any premises in any capacity described in sub-clauses (*i*), (*ii*) and (*iii*) of clause (*m*) of section 3 shall be liable to do anything which is by this Act required to be done by the owner, unless he have sufficient funds of or due to the owner to pay for the same.

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[1] These words were substituted for the original by Bom. 76 of 1948, s. 34.
[2] These words were inserted, *ibid*, s. 35.
[3] These words were inserted, *ibid*., s. 36.
[4] These words were substituted for the original, *ibid*.
[5] These words were inserted by Bom. 48 of 1948, s. 53.

Payment of compensation.

Compensation for damages may be paid by the Commissioner [1][or General Manager.]

501. In any case not otherwise expressly provided for in this Act, the Commissioner [2][or the General Manager may, with the previous approval of the standing committee or the Bombay Electric Supply and Transport Committee, as the case may be,] pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the Commissioner [3][or the General Manager] or in any municipal officer or servant.

Compensation to be paid by offenders against this Act for any damage caused by them.

502. (*1*) If, on account of any act or omission any person has been convicted of an offence against this Act or against any regulation or by-law made under this Act, and, by reason of the same act or omission of the said person, damage has occurred to any property of the corporation, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for the said offence.

(*2*) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute.

In cases falling under section 491, disputes to be determined by the Chief Judge of the Small Cause Court.

[4]**503.** (*1*) If, when the Commissioner [5][or the General Manager] demands payment of any expenses under section 491, his right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (*2*) of section 329, the necessity for such temporary measures is disputed, the Commissioner [5][or the General Manager, as the case may be], shall refer the case for the determination of the Chief Judge of the Small Cause Court.

(*2*) Pending the Chief Judge's decision the Commissioner [5][or the General Manager, as the case may be,] shall defer further proceedings for the recovery of the sum claimed by him and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due.

Amount of expenses or compensation to be determined in all cases of dispute by the Chief Judge of the Small Cause Court.

[4]**504.** If, in any case not falling under section 491, any person is required by this Act, or by any regulation or by-law framed under this Act, to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in sections 502 and 515, by the Chief Judge of the Small Cause Court on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

Expenses or compensation awarded by Chief Judge of the Small Cause Court to be recovered, if necessary, as if they were due under a decree of the Court.

505. If the amount of any expenses or compensation ascertained in accordance with the last preceding section is not paid by the person liable to pay the same on demand, it shall be recoverable as if the same were due under a decree of the Small Cause Court.

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[1] These words were added Bom. 48 of 1948, s. 54.
[2] These words were substituted for the original, *ibid.*
[3] These words were inserted, *ibid.*
[4] As to appeal to High Court from decision under s. 503 or s. 504, see Act 12 of 1888, s. 3. As to period of limitation for such appeals, *see ibid.*, s. 5.
[5] These words were inserted by Bom. 48 of 1948, s. 55

506. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

Persons liable for expenses or compensation may be sued for recovery thereof.

Proceedings before the Chief Judge of the Small Cause Court.

507. (*1*) If the owner of any building or land is prevented by the occupier thereof from complying with any provision of this Act or of any regulation or by-law made under this Act or with any requisition made under this Act or under any such regulation or by-law in respect of such building or land, the owner may apply to the Chief Judge of the Small Cause Court.

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

(*2*) The said Chief Judge, on receipt of any such application, may make a written order requiring the occupier of the building or land to afford all reasonable facilities to the owner for complying with the said provision or requisition and may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

(*3*) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as shall be prescribed in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with the said provision or requisition.

508. (*1*) For the purposes of any inquiry or proceeding under this Act, the Chief Judge of the Small Cause Court may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of the Small Cause Court by the Presidency Small Cause Courts Act, 1882, and in all matters relating to any such inquiry or proceeding the said Chief Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

Power to summon witnesses and compel production of documents.

XV of 1882

(*2*) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Chief Judge may hear and determine the case in his absence.

(*3*) The costs of every such inquiry or proceeding as determined by the said Chief Judge, shall be payable by such parties and in such proportions as the said Chief Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Small Cause Court.

[1]Provided that if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses under section 494, the amount of the costs directed by the said Chief Judge to be paid by the owner or occupier of the premises in respect of which or for the benefit of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner prescribed in section 495.]

[1] This proviso was added by Bom. 32 of 1935, s. 15.

Fees in proceedings before the Chief Judge of the Small Cause Court.

509. (*1*) The [1][Provincial Government] may, from time to time by notification in the [2][*Official Gazette*], prescribe what fee, if any, shall be paid—

(*a*) on any application, appeal or reference made under this Act to the Chief Judge of the Small Cause Court; and

(*b*) previous to the issue, in any inquiry or proceeding of the said Chief Judge under this Act, of any summons or other process:

Provided that the fees, if any, prescribed under clause (*a*) shall not, in cases in which the value of the claim or subject-matter is capable of being estimated in money, exceed the fees at the time being levied, under the provisions of the Presidency Small Cause Courts Act, 1882, in cases in which the value of the claim or subject-matter is of like amount. XV of 1882.

(*2*) The [1][Provincial Government] may from time to time by a like notification determine by what person any fee prescribed under clause (*a*) shall be payable.

(*3*) No application, appeal or reference shall be received by the said Chief Judge, until the fee, if any, prescribed therefor under clause (*a*) has been paid.

Exemption of poor persons from fees.

510. The Chief Judge of the Small Cause Court may, whenever he thinks fit, receive an application, appeal or reference made under this Act, by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees prescribed under section 509.

Repayment of half fees on settlement before hearing.

511. Whenever any application, appeal or reference made to the Chief Judge of the Small Cause Court under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Chief Judge to the parties by whom the same have been respectively paid.

Authority to the Chief Judge of the Small Cause Court to delegate certain powers and to make rules.

512. The Chief Judge of the Small Cause Court may—

(*a*) delegate, either generally or specially to any other Judge of the said Court, power to receive applications, appeals and references under this Act, and to discharge any other duty in connection with such applications, appeals and references, except the hearing and adjudication thereof;

(*b*) if for any reason, it shall be necessary so to do in order to secure the disposal of any application made to him under section 20 within the limited period prescribed in the said section, delegate to any other Judge of the said Court the hearing and adjudication of the said application;

(*c*) from time to time, with the approval of [3][the Provincial Government], make rules, not inconsistent with this Act, providing for any matter connected with the exercise of the jurisdiction conferred upon him by this Act which is not herein specifically provided for.

Proceedings before Magistrates.

Cognizance of offences.

513. All offences against this Act, or against any regulation or by-law made under this Act, whether committed within or without the city, shall be cognizable by a Presidency Magistrate; and no such Magistrate shall be deemed to be incapable of taking cognizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any municipal tax or of his being benefited by the municipal fund. [4]* * * *

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[4] The words "to credit of which any fine inflicted by him will be payable" were omitted, *ibid.*

[1][**513A.** (*1*) [2][The Provincial Government] may with the consent of the corporation create one or more posts of Presidency Magistrates for the trial of offences against this Act, or against any regulation or by-law made thereunder, and may appoint any person to such post and may also appoint such ministerial officers for the Court of any such Magistrate as they may think necessary : Appointment of Presidency Magistrates.

Provided that nothwithstanding the appointment of one or more Presidency Magistrates under this section it shall be open to the Chief Presidency Magistrate, subject to the rules for the time being in force under section 21 of the Code of Criminal Procedure, 1898, regulating the distribution of business in the Courts of the Presidency Magistrates, to make such distribution of the work of trial of such offences and of all other work before the Courts of the Presidency Magistrates (including any appointed under this section) as may appear to him most conducive to efficiency.

V of 1898.

(*2*) Such Magistrate or Magistrates and their establishments shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by [2][the Provincial Government.]

(*3*) The amounts of the salary, pension, leave allowances and other allowances as fixed under sub-section (*2*), together with all other incidental charges shall be reimbursed to [2][the Provincial Government] by the corporation. [3]* * *

Provided that [2][the Provincial Government] may, with the concurrence of the corporation, direct that in lieu of the amounts payable under this section the corporation shall pay to [2][the Provincial Government] annually, on such date as may be fixed by [2][the Provincial Government] in this behalf, such sum based on the average of the total amounts recovered by [2][the Provincial Government] from the corporation under this section during the three years immediately preceding the date of such direction as may be determined by [2][the Provincial Government] in this behalf.]

[4]**514.** No person shall be liable to punishment for any offence made punishable by this Act, unless complaint of such offence is made before a Presidency Magistrate within the time hereinafter prescribed in that behalf, namely :— Limitation of time within which complaints of offences punishable under this Act shall be entertained.

(*a*) if the offence be against the provisions of section 155, within six months next after the commission of such offence ;

(*b*) if the offence be against the provisions of sections [5][223, 229A, 240, 258,] 272 (*1*), [6][272 (*5*), 274 (*1*), 274 (*1A*)], 281, 284 [6][287*B* (*1*), 287*B* (*2*),] [7]* * * * or 390, [6][or any bye-laws framed under section 461 (*b*),] within three months next after the commission or discovery of such offence ;

(*c*) if the offence be against any other provision of this Act, within three months next after the commission of such offence.]

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[1] New section 513A was inserted by Bom. 10 of 1930, s. 4.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words figure, and brackets "and shall be a first charge on and be primarily payable from the fines levied and recovered in respect of the offences referred to in sub-section (*1*), and the balance of the fines, if any, shall be credited to the municipal fund" were omitted, *ibid.*

[4] This section was substituted for the original section by Bom. 2 of 1911, s. 21.

[5] These figures and letter were inserted by Bom. 8 of 1918, s. 20.

[6] These figures, letters and brackets were inserted by Bom. 5 of 1938, s. 45.

[7] The figures and brackets repealed by Bom. 5 of 1920, s. 6, are omitted.

Complaint concerning nuisances.

[1]**515.** (*1*) Any person who resides in the city may complain to a Presidency Magistrate of the existence of any nuisance, or that in the exercise of any power conferred by section 224, 244, 245, 246 or 367, more than the least practicable nuisance has been created.

(*2*) Upon receipt of any such complaint, the Magistrate, after making such inquiry as he thinks necessary, may, if he sees fit, direct the Commissioner—

(*a*) to put in force any of the provisions of this Act or to take such measures as to such Magistrate shall seem practicable and reasonable for preventing, abating, diminishing or remedying such nuisance ;

(*b*) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation for the complainant's loss of time in prosecuting such complaint.

(*3*) It shall be incumbent on the Commissioner to obey every such order.

(*4*) Nothing in this Act contained shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by section 224, 244, 245, 246 or 367 to recover damages for the same.

Arrest of offenders.

Offenders against this Act may in certain cases be arrested by police officers.

516. (*1*) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or by-law made under this Act, if the name and address of such person be unknown to him, and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(*2*) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time, not exceeding at the most forty hours from the arrest, than is necessary for bringing him before a Magistrate competent to take cognizance of his offence.

Legal proceedings.

Provisions respecting institution, etc., of civil and criminal actions and obtaining legal advice.

517. (*1*) The Commissioner may—

(*a*) take, or withdraw from, proceedings against any person who is charged with—

(*i*) any offence against this Act ;

(*ii*) any offence which affects or is likely to affect any property or interest of the coporation or the due administration of this Act ;

(*iii*) committing any nuisance whatsoever ;

(*b*) compound any offence against this Act, which under the law at the time in force may legally be compounded ;

(*c*) defend any election petition brought under section 33 ;

(*d*) defend, admit or compromise any appeal against a rateable value or tax brought under section 217 ;

(*e*) take, withdraw from, or compromise, proceedings, under sections 502, sub-section (*2*), 503, 504 and 505, for the recovery of expenses or compensation claimed to be due to the corporation ;

[1] As to appeal to High Court from orders under s. 515, *see* Act 12 of 1888, s. 4. As to period of limitation for such appeals, *see ibid.* s. 5.

(*f*) withdraw or compromise any claim for a sum not exceeding five hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the standing committee, any such claim for any sum exceeding five hundred rupees;

(*g*) defend any suit or other legal proceeding brought against the corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant in respect of anything done or omitted to be done by them, respectively, in their official capacity;

(*h*) with the approval of the standing committee, admit or compromise any claim, suit or legal proceeding brought against the corporation or against the Commissioner or a Deputy Commissioner or a municipal officer or servant, in respect of anything done or omitted to be done as aforesaid;

(*j*) with the like approval, institute and prosecute any suit or withdraw from or compromise any suit or any claim, other than a claim of the description specified in clause (*f*), which has been instituted or made in the name of the corporation or of the Commissioner;

(*k*) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain or as he may be desired by the corporation or the standing committee to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or any municipal officer or servant.

(*2*) Provided that the Commissioner shall not defend any suit or legal proceeding under clause (*g*) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the corporation shall determine to have instituted and prosecuted.

[1][(*3*) In relation to legal proceedings arising out of the acquisition, extension, administration, operation and maintenance of the Bombay Electric Supply and Transport Undertaking (excepting proceedings, if any, arising out of the acquisition made with effect from the 7th August 1947 of the said undertaking from the Bombay Electric Supply and Tramways Company, Limited), the provisions of sub-sections (*1*) and (*2*) shall apply as if for the words "the Commissioner" the words "the General Manager" and for the words "standing committee" the words "Bombay Electric Supply and Transport Committee" had respectively been substituted.]

CHAPTER XX.

CONTROL.

Power to Provincial Government to provide for

518. (*1*) If, upon complaint being made to [2][it] and after such inquiry as [2][it] thinks fit to make, it shall at any time appear to the [3][Provincial Government] that any of the provisions of sections 61, 62 [4][62C, 62D, [5][62E,] 89F,] 134, 225,

[1] This sub-section was added by Bom. 48 of 1948, s. 56.
[2] The word "it" was substituted for the words "him" and "he" by the Adaptation of Indian Laws Order in Council.
[3] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*
[4] These figures and letters were inserted by Bom. 3 of 1907, s. 21.
[5] The figures and letter "62E" were inserted by Bom. 12 of 1925, s. 4.

performance of duties in default of any municipal authority.

[1][381, 381A,] 434, [2][438 and 513A] have not been or are not being duly carried out or enforced, the [3][Provincial Government] may make an order prescribing a period within which such provision shall be carried out or enforced.

(*2*) Provided that, except in any case which appears to the [3][Provincial Government] to be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on the corporation, and, if the [3][Provincial Government] shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, nor until the cause, if any, so shown has been considered by the [3][Provincial Government].

(*3*) If, within the period prescribed in an order made under sub-section (*1*) the provision is not carried out or enforced, the [3][Provincial Government] may appoint some person to carry out or enforce the same and may direct that the expense of carrying out or enforcing such provision, together with such reasonable remuneration to the person carrying out or enforcing the same as the [3][Provincial Government] shall determine and the cost of the proceedings under this section shall be paid out of the municipal fund.

Power to Provincial Government to enforce repair, etc., of Vehar water-works.

519. (*1*) If, from the report of any person appointed by [4][the Provincial Government] under section 264 to inspect the Vehar water-works, it shall appear to [4][the Provincial Government] that any portion of the said water-works is not in a sound and effective condition, [4][the Provincial Government] may, by notice under the signature of a Secretary to [4][the Provincial Government], require that the said portion of the said works be repaired, improved or otherwise rendered sound and effective, within a reasonable time to be prescribed in the notice.

(*2*) The said notice shall be addressed to the corporation and to the Commissioner, and it shall be incumbent on the corporation and on the Commissioner, within the limits of their respective powers, to give effect thereto. If effect be not given thereto [4][the Provincial Government] may cause the required work to be done and may direct that the expenses thereof shall be paid by the Commissioner.

Expenses of measures enforced under sections 518 and 519 how to be recovered.

520. (*1*) When any such order as is mentioned in sub-section (*3*) of section 518, or in sub-section (*2*) of section 519 shall have been made, the corporation shall cause to be paid to [4][the Provincial Government] the sums or sums of money of which payment shall from time to time be required, in pursuance of the said order, in any requisition signed by a Secretary to [4][the Provincial Government].

(*2*) And if, within fourteen days from the delivery of any such requisition, the same is not complied with, [4][the Provincial Government] may, by a written order signed by one of their Secretaries, authorise and direct some person to receive from the bank in which the municipal fund is lodged the sum or sums mentioned in the said order.

(*3*) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorized to receive the same and the said written order shall be a sufficient discharge to the said bank from all liability to the corporation in respect of any sum or sums so paid by it out of the municipal fund.

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[1] These figures and letter were inserted by Bom. 5 of 1938, s. 46.

[2] These figures, word and letter were substituted for the original word and figures "and 438" by Bom. 10 of 1930, s. 5.

[3] The words "Provincial Government" were substituted for the words "Governor in Council", by the Adaptation of Indian Laws Order in Council.

[4] The words "the Provincial Government" were substituted for the word ", Government" *ibid.*

CHAPTER XXI.

SUPPLEMENTAL PROVISIONS.

521. The Commissioner and Deputy Commissioner, [1][General Manager] and every councillor and every municipal officer or servant appointed under this Act [2][and every person appointed to make a valuation under sub-section (*1*) of section 218B], and every contractor or agent for the collection of any municipal tax and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Councillors, etc., to be deemed to be public servants.

XLV of 1860.

522. (*1*) The Police Commissioner shall, as far as may be, co-operate, by himself and through his subordinates, with the Commissioner [3][and the General Manager] for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in the city. Co-operation of Police.

(*2*) It shall be the duty of every police officer in the city to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any regulation or by-law made under this Act, and to assist the [4][Commissioner, the General Manager] or any municipal officer or servant, reasonably demanding his aid for the lawful exercise of any power vesting in the [4][Commissioner, the General Manager] or in such municipal officer or servant under this Act.

523. (*1*) In computing any limited time before or from or after any date or event which is appointed or allowed by or under this Act for the doing of any act or the taking of any proceeding, such time shall be taken as exclusive of the day of that date or of the happening of that event and as ending or commencing, as the case may be, at the end of the last preceding day, or the beginning of the next following day. Computation of time.

(*2*) Where the limited time is to be computed from or after any date or event, the act or proceeding shall be done or taken at the latest on the last day of the limited time computed as aforesaid, unless the last day is a Sunday or a public holiday or unless, in the case or a proceeding to be taken before the Chief Judge of the Small Cause Court, the said Court is closed on such last day, in which events any act or proceeding shall be deemed to be done or taken in due time if it is done or taken on the next day after such Sunday, or after the close of such public holiday or on the first day when such Court re-opens, as the case may be.

(*3*) Where by this Act any act or proceeding is directed or allowed to be done or taken on a certain day and such day happens to be a Sunday or a public holiday, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day after such Sunday or after the close of such public holiday.

524. The distances mentioned in this Act shall be measured in a straight line on a horizontal plane. Measurement of distances.

525. (*1*) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, schedule, summons or other document issued under this Act, or under any regulation or by-law made under this Act, may at any time, as far as possible, be rectified. Informalities and errors in assessments, etc., not to be deemed to invalidate such assessment, etc.

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[1] These words were inserted by Bom. 48 of 1948, s. 57.
[2] These words and figures were inserted by Bom. 76 of 1948, s. 37.
[3] These words were inserted by Bom. 48 of 1948, s. 58.
[4] These words were substituted for the original, *ibid.*

(*2*) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act and of the regulations and by-laws made hereunder have in substance and effect been complied with ; but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Power to Provincial Government to call for extracts from proceedings, etc.,

526. The [1][Provincial Government] may at any time call upon the corporation to furnish [2][it] with any extract from any proceedings of the corporation, of standing committee or of any committee constituted under this Act or from any record under the control of the corporation and with any statistics concerning or connected with the administration of this Act ; and the corporation shall furnish the same without unreasonable delay.

Protection of persons acting under this Act against suits.

527. (*1*) No suit shall be instituted against the corporation or against [3][the Commissioner, the General Manager] or a Deputy Commissioner, or against any municipal officer or servant, in respect of any act done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act—

(*a*) until the expiration of one month next after notice in writing has been, in the case of the corporation, left at the chief municipal office and, in the case of [3][the Commissioner, the General Manager] or of a Deputy municipal Commissioner or of a municipal officer or servant delivered to him or left at his office or place of abode, stating with reasonable particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit ; or

(*b*) unless it is commenced within six months next after the accrual of the cause of action.

(*2*) At the trial of any such suit—

(*c*) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid ;

(*d*) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(*3*) Where the defendant in any such suit is a municipal officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the [4][previous] sanction of the standing committee, [3][or the Bombay Electric Supply and Transport Committee, from the municipal fund or the Bombay Electric Supply and Transport Fund, as the case may be].

Effect of the transitory provisions in Schedule R.

528. The provisions contained in Schedule R for regulating the constitution of the corporation and other matters until this Act is brought fully into operation shall be of the same effect as if they were enacted in the body of this Act.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "him", *ibid.*

[3] These words were substituted for the original by Bom. 48 of 1948, s. 59.

[4] The word "previous" was inserted by Bom. 19 of 1930, s. 20.

SCHEDULE A.

(See *section 2.*)

ENACTMENTS REPEALED.

No. and year of Act.	Title or Subject.	Extent of Repeal.
	Act of the Governor General in Council.	
XLVIII of 1860...	An Act to amend Act XIII of 1856	Section 17, as amended by Bombay Act IV of 1882 and clause (16) of section 19.
	Acts of the Governor of Bombay.	
VI of 1863 ...	An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.	In section 7, the words "by the Commissioner of Police to the credit of the Municipal Commissioners of Bombay and".
III of 1870 ...	An Act to secure the payment to Government of certain sums of money by the corporation of the Justices of the Peace for the City of Bombay.	The whole.
III of 1872 ...	The Bombay Municipal Act of 1872	The whole.
IV of 1878 ...	The Bombay Municipal Act Amendment and Continuance Act, 1878.	The whole.
VI of 1878 ...	An Act to remove doubts as to the time when certain portions of the Bombay Municipal Act Amendment and Continuance Act, 1878, were intended to come into force.	The whole.
II of 1880 ...	The Bombay Municipality's Consolidated Loan Act, 1880.	The whole.
II of 1881 ...	An Act to confirm the jurisdiction of Presidency Magistrates in municipal cases.	The whole.
VI of 1882 ...	An Act to amend the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1885 ...	An Act to empower the Municipal Corporation of the City of Bombay to subscribe to the Guarantee Funds of the Bombay International Exhibition, and for other purposes.	So much as has not already been repealed.
III of 1885 ...	An Act to provide for the occasional appointment of a Deputy Municipal Commissioner for the City of Bombay.	The whole.
I of 1886 ...	An Act to remove certain doubts in the construction of section 9B of the Bombay Municipal Acts of 1872 and 1878.	The whole.
II of 1886 ...	An Act to enable the Municipal Corporation of the City of Bombay to raise increased revenue from town-duties.	The whole.

[1]SCHEDULE B.

(See *section 24*.)

Division of the city into wards.

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the corporation to be elected for each ward.
1	Colaba ...	A line starting from Colaba Point extending along the Harbour up to its junction with Ormiston Road, thence along the South side of Ormiston Road to its junction with Wodehouse Road, thence along the East side of Wodehouse Road up to its junction with Cuffe Parade, thence along Cuffe Parade and Cuffe Parade Extension, thence Westwards along the North side of Block VI up to the Sea Wall, thence Southwards along the Sea Wall to Colaba Point.	3
2	Fort ...	A line starting from the junction of Ormiston Road and the Harbour, thence along the Harbour upto its junction with Ballard Road, thence along the South side of Ballard Road and Ballard Pier, thence along the West, South, East and North of Mole Station, thence along the West side of Wittet Road up to its junction with Sprott Road, thence along the East side of Sprott Road up to its junction with Currimbhoy Road, thence along the South side of Currimbhoy Road and Kumpta Street, thence Southwards along the East side of Frere Road to its junction with Agiary Lane, thence along the South side of Agiary Lane up to its junction with Bora Bazar Street, thence Northward along the West side of Bora Bazar Street to its junction with Maruti Lane, thence along the South side of Maruti Lane up to its junction with Raghunath Dadaji Street, thence Northwards along the West side of Raghunath Dadaji Street to its junction with Hornby Road, thence across Hornby Road to its junction with Home Street, thence along South side of Home Street, thence Southwards along the East side of Waudby Road crossing Mahatma Gandhi Road, thence along the East side of Mayo Road to its junction with Churchgate Street, thence Westwards along the South side of Churchgate Street to its junction with Marine Drive, thence Southwards along the West side of Marine Drive up to its junction with South side of Block No. 2, thence along the South side of Block No. 2, thence along the West side of the Swimming Baths thence along the Back Bay to its junction with Wodehouse Road, thence along the West side of Wodehouse Road to its junction with Ormiston Road, thence Eastwards along the North side of Ormiston Road to the starting point, viz., junction of Ormiston Road and the Harbour.	2
3	Bori Bunder ...	A line starting from the Harbour to the North of the Mole Station running along the East side of the Harbour up to the North Wharf of Carnac Basin, thence along the aforesaid Wharf, thence along the South side of Carnac Road and 1st Marine Street,	3

[1] This schedule was substituted for the original by Bom. 8 of 1948, s. 4.

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the corporation to be elected for each ward.
		continuing thence in a straight line to the Marine Drive, thence along the West side of Marine Drive up to its junction with Churchgate Street, thence Eastwards along the North side of Churchgate Street to its junction with Mayo Road, thence Northwards along the West side of Mayo Road crossing Mahatma Gandhi Road, thence along the West side of Waudby Road to its junction with Home Street, thence along the North side of Home Street, thence Southwards along the East side of Hornby Road and the East side of Raghunath Dadaji Street to its junction with Maruti Lane, thence along the North side of Maruti Lane, thence Southwards along the East side of Bora Bazar Street up to its junction with Agiary Lane, thence along the North side of Agiary Lane, thence Northwards along the West side of Frere Road to its junction with Kumpta Street, thence along the North side of Kumpta Street and Currimbhoy Road, thence Northwards along the West side of Sprott Road, thence Southwards along the East side of Wittet Road to its junction with Ballard Road, thence Eastwards along the North side of the Mole Station to the starting point, viz., the Harbour to the North of the Mole Station. (N.B.—The Mosque in the middle of the Road at 1st Marine Street is included in this Ward.)	
	Mandvi	A line starting from the Harbour at the North side of Carnac Basin along the East side of the Harbour up to the North Wharf of Victoria Docks, thence Westwards along the South side of the B. P. T. Railway Siding running South of A and B Sheds of Prince's Dock, thence along the South side of Musjid Siding Road and 1st Chinch Bunder Road up to its junction with Samuel Street; thence Southwards along the East side of Samuel Street to its junction with Musjid Bunder Road, thence Westwards along the South side of Musjid Bunder Road to its junction with Abdul Rehman Street, thence Southwards along the East side of Abdul Rehman Street to its junction with Carnac Road, thence extending Eastwards along the North side of Carnac Road, thence in a straight line to the North Wharf of Carnac Basin to the Harbour, viz. to the starting point.	
5	Dongri	A line starting from the junction of Abdul Rehman Street and Musjid Bunder Road extending Eastwards along the North side of Musjid Bunder Road to its junction with Samuel Street, thence Northwards extending along the West side of Samuel Street to its junction with Sandhurst Road, and then Westward extending along the South side of Sandhurst Road to its junction with Sir Ibrahim Rahimtulla Road, thence Southwards along the East side of Sir Ibrahim Rahimtulla Road, thence along the East side of Abdul Rehman Street to the starting point, viz., the junction of Musjid Bunder Road and Abdul Rehman Street.	

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the corporation to be elected for each ward.
6	**Umarkhadi** ...	A line starting from the Harbour at the North Wharf of Victoria Docks running Northwards along the Harbour up to the South Wharf of Clerk Basin, thence Westwards to Wadi Bunder Road, thence along the South side of Wadi Bunder Road and East side of Mazgaon Road, South side of Babula Tank Road, thence along the East side of Sir Ibrahim Rahimtulla Road to its junction with Sandhurst Road, thence Eastwards along the North side of Sandhurst Road to its junction with Samuel Street, thence Southwards along the East side of Samuel Street to its junction with 1st Chinch Bunder Road, thence Eastwards along the Northside of 1st Chinch Bunder Road, Musjid Siding Road, thence along the B. P. T. Railway Siding running South of A and B Sheds of Princess Dock to Sea, viz., to the starting point.	4
7	**Khira Talao** ...	A line starting from the junction of Sir Ibrahim Rahimtulla Road and Babula Tank Road, extending Westwards along the South side of Grant Road to its junction with Duncan Road, thence Southwards along the East side of Duncan Road and Kika Street up to its junction with Banian Road, thence along the North side of Banian Road to its junction with Bapu Khoto Street, thence Southwards along the East side of Bapu Khoto Street to its junction with Sir Ibrahim Rahimtulla Road and thence along the West side of Sir Ibrahim Rahimtulla Road to the Starting point, viz., junction of Sir Ibrahim Rahimtulla Road and Babula Tank Road.	4
8	**Kumbharwada** ...	A line starting from the junction of Duncan Road and Grant Road running Westwards along the South side of Grant Road up to its junction with Trimbak Parsharam Street, thence along the East side of Trimbak Parsharam Street and Ardeshir Dady Street, thence along the North-East side of Vithalbhai Patel Road to its junction with Thakurdwar Road and Bhuleshwar Street, thence along the East side of Bhuleshwar Street, to its junction with 3rd Bhoiwada, thence along the North-side of 3rd Bhoiwada to its junction with Kika Street and thence Northwards along the West side of Kika Street and Duncan Road to the starting point, viz., junction of Duncan Road and Grant Road.	3
9	**Markets** ...	A line starting from the junction of Carnac Road and Abdul Rehman Street extending along the West side of Abdul Rehman Street, crossing Pydhoni, thence along the West side of Bapu Khoto Street to its junction with Banian Road, thence Westwards along the South side of Banian Road and 3rd Bhoiwada to its junction with Bhuleshwar Street, thence Southwards along the East side of Bhuleshwar Street and Kalbadevi Road to its junction with Carnac Road and thence running Eastwards along the North side of Carnac Road to the starting point, viz., junction of Carnac Road and Abdul Rehman Street.	3

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the corporation to be elected for each ward.
10	Dhobi Talao	... A line starting from the junction of Cruickshank and Carnac Roads running Northwards along the West side of Kalbadevi Road up to its junction with Dadyseth Agiary Street, thence along the South side of Dadyseth Agiari Street to its junction with Girgaum Road, thence Southwards along the East side of Girgaum Road to its junction with Sonapur Street, thence Westwards along the South side of Sonapur Street up to the point where it turns Southwards, thence Westwards in a straight line to meet the Back Bay Sea Wall, thence Southwards along the Sea Wall to its junction with the Road in continuation of 1st Marine Street towards the Sea, thence along the North side of the aforesaid road crossing the B. B. & C. I. Railway Lines and thence along the North side of 1st Marine Street to the starting point, viz., junction of Cruickshank Road and Carnac Roads.	3
11	Fanaswadi	... A line starting from the junction of Thakurdwar Road and Bhuleshwar Street running Westwards along the South side of Thakurdwar Road extending in a straight line to meet the Back Bay Sea Wall, thence Southwards along the Sea Wall to a point where the extension of Sonapur Street meets the Sea Wall, thence running Eastwards along the North side of the aforesaid extension, thence along the North side of Sonapur Street to its junction with Girgaum Road, thence running Northwards along West side of Girgaum Road to its junction with Dadyseth Agiary Street, thence along the North side of Dadyseth Agiary Street to its junction with Kalbadevi Road and thence Northwards along the West side of Kalbadevi Road and Bhuleshwar Street to the starting point, viz., junction of Bhuleshwar Street and Thakurdwar Road.	2
12	Girgaum	... A line starting from the junction of Bhuleshwar, Thakurdwar and Vithalbhai Patel Roads running along the West side of Vithalbhai Patel Road to its junction with Charni Road, thence running Southwards along the East side of Charni Road, thence in a straight line to the Back Bay Sea Wall, thence along the Sea Wall to a point lying on the extension of the Road to the South of the Government Printing Press, thence running Eastwards along the North side of the aforesaid Road crossing the B. B. & C. I. Railway Lines and Queen's Road to Thakurdwar Road, thence along the North side of Thakurdwar Road to the starting point, viz., junction of Bhuleshwar, Thakurdwar and Vithalbhai Patel Roads.	3
13	Khetwadi	... A line starting from the junction of Vithalbhai Patel Road and Ardeshir Dady Street running Northwards along the West side of Ardeshir Dady and Trimbak Parsharam Streets, thence Westwards along the South side of Grant Road to its junction with Lamington Road South, thence running Southwards along the East side of Lamington Road South to its junction	3

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the corporation to be elected for each ward.
		with Vithalbhai Patel Road, thence running Eastwards along the North side of Vithalbhai Patel Road to the starting point, viz., junction of Vithalbhai Patel Road and Ardeshir Dady Street.	
14	Walkeshwar ...	A line starting from the junction of Lamington Road South and Grant Road running Southwards along the West side of Lamington Road up to its junction with Vithalbhai Patel Road, thence Eastwards along the South side of Vithalbhai Patel Road up to its junction with Charni Road, thence Southwards along the West side of Charni Road, thence crossing Queen's Road, B. B. & C. I. Railway Lines and Charni Road Garden in a straight line to meet the Sea Wall, thence Northwards along the Seashore up to Malabar Point, thence Northwards along the Seashore to its junction with Warden Road opposite to the Oomar Park, thence Eastwards along the South side of Warden and Gowalia Tank Roads to the Municipal Fire Brigade Station, thence crossing the Nana's Chowk along the South side of Frere Bridge to the starting point, viz., junction of Lamington Road South and Grant Road.	4
15	Mahalaxmi ...	A line starting from the junction of Frere Bridge (Grant Road) and Tardeo Road running Northwards along the West side of Tardeo Road to its junction with Bellasis Bridge, thence Eastwards along the North side of Bellasis Bridge to its junction with the B. B. & C. I. Railway Lines, thence running Northwards along the Western boundary of the Railway Lines to its junction with Clerk Road, thence Westwards along the South side of Clerk Road to meet the Sea at Hornby Vellard, thence along the Seashore up to Warden Road, opposite the Oomar Park at the North East corner of C. C. No. 594, thence running Eastwards along the North side of Warden and Gowalia Tank Roads to the starting point, viz., junction of Frere Bridge (Grant Road) and Tardeo Road.	3
16	Tardeo ...	A line starting from the junction of Grant Road and Khurshedji Sukhlaji Street running Northwards along the West side of Khurshedji Sukhlaji Street to its junction with Bellasis Road, thence Westwards along the South side of Bellasis Road, Bellasis Bridge to the Tardeo Tram Terminus, thence Southwards along the East side of Tardeo Road to the Nana's Chowk, thence Eastwards along the North side of Frere Bridge and Grant Road to the starting point, viz., junction of Grant Road and Khurshedji Sukhlaji Street.	4
17	Kamathipura ...	A line starting from the junction of Khurshedji Sukhlaji Street and Grant Road running Eastwards along the North side of Grant Road to its junction with Duncan Road, thence Northwards along the West side of Duncan Road to its junction with Bellasis Road, thence Westwards along the South side of Bellasis Road to its junction with Khurshedji Sukhlaji Street,	3

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the Corporation to be elected for each ward.
		thence Southwards along the East side of Khurshedji Sukhlaji Street to the starting point, viz., junction of Khurshedji Sukhlaji Street and Grant Road.	
18	Nagpada ...	A line starting from the junction of Duncan Road and Grant Road running Eastwards along the North side of Grant Road, Babula Tank Road and along the West side of Mazgaon Road up to its junction with Wadi Bunder Road, thence along the North side of Wadi Bunder Road up to its junction with Reay Road, thence Northwards along the West side of Reay Road up to its junction with Dockyard Road, thence Westwards along the South side of Dockyard Road and Nesbit Road, thence crossing Victoria Gardens Road to Shepherd Road, thence along the South side of Shepherd Road to Clare Road, thence Southwards along the East side of Clare Road, thence along the East side of Duncan Road, to the starting point, viz., junction of Duncan Road and Grant Road.	5
19	Mazgaon ...	A line starting from the junction of Reay Road and Wadi Bunder Road running Eastwards and joining the South Wharf of Clerk Basin, thence Northwards along the Harbour up to the South side of Coal Bunder, thence Westwards along the South side of Victoria Road to its junction with Victoria Gardens Road, thence Southwards along the East side of Victoria Gardens Road crossing Byculla Bridge to its junction with Nesbit Road, thence along the North side of Nesbit Road and Dockyard Road up to its junction with Reay Road, thence Southwards along the East side of Reay Road to the starging point, viz., junction of Reay Road and Wadi Bunder Road.	3
20	Byculla (West) ...	A line starting from the junction of Nesbit Road and Victoria Gardens Road and Shepherd Road running Northwards along the West side of Victoria Gardens Road up to Byculla Bridge (New site of the Parsi statue), thence along the West side of Haines Road up to the South side of Jacob Circle, thence Westwards round the South side of Jacob Circle to Clerk Road, thence along the South side of Clerk Road crossing the B. B. & C. I. Railway Lines, thence Southwards along the West boundary of the B. B. & C. I. Railway Yard to the Bellasis Bridge, thence Eastwards along the North side of Bellasis Bridge and Bellasis Road to its junction with Clare Road, thence Northwards along the Western side of Clare Road upto its junction with Shepherd Road, thence Eastwards along the North side of Shepherd Road to the starting point, viz., junction of Nesbit Road, Victoria Gardens Road and Shepherd Road.	5
21	Byculla (East) ...	A line starting from the East side of the South approach of the Byculla Bridge running Northwards along the West of Byculla Bridge, Victoria Gardens Road and Parel Road to its junction with Kalachowki Road, thence Westwards along the South side of Kalachowki Road to the G. I. P. Railway Lines, thence cutting across Chinchpokli Railway Station to the dead end of	3

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the Corporation to be elected for each ward.
		Arthur Road, thence along the East side of Arthur Road and Jacob Circle, thence Southwards along the East side of Haines Road to the starting point, viz., East toe of the South approach of Byculla Bridge.	
22	Ghorupdeo ...	A line starting from the junction of Victoria Gardens Road and Victoria Road running Eastwards along the North side of Victoria Road to the South Wharf of Coal Bunder, thence Northwards along the Harbour to the South Wharf of Brick Bunder, thence along the aforesaid Wharf up to the Signal Hill Avenue, thence along the West side of Signal Hill Avenue and along the South side of the new Eighty Feet Road and the South of N to B Sheds in the Cotton Green up to Cotton Avenue, thence along the West side of Cotton Avenue up to 1st Avenue thence along the South side of 1st Avenue to Reay Road, thence Northwards along the West side of Reay Road to Kalachowki Road, thence Westwards along the South side of Kalachowki Road to its junction with Parel Road, thence Southwards along the East side of Parel Road and Victoria Gardens Road to the starting point, viz., junction of Victoria Gardens Road and Victoria Road.	2
23	Sewri ...	A line starting from the junction of Reay Road and 1st Avenue Road extending Northwards along the East side of Reay Road and Parel Tank Road and a portion of Bhoiwada Road up to its junction with Jerbai Wadia Road, thence Eastwards along the South side of the Jerbai Wadia Road, thence in a straight line to Khadkal Creek, thence Southwards along the Harbour to the South of Brick Bunder, thence Westwards up to its junction with Signal Hill Avenue and thence along the East side of Signal Hill Avenue and alongside of the New Eighty Feet Road North of N to B Sheds in the Cotton Green up to its junction with Cotton Avenue, thence Northwards along the East side of Cotton Avenue up to its junction with 1st Avenue and thence Westwards along the North side of 1st Avenue up to the starting point, viz., junction of Reay Road and 1st Avenue.	2
24	Lalbaug ...	A line starting from the junction of Reay Road, Kalachowki Road and Sewri Road running Westwards along the North side of Kalachowki Road up to its junction with the G. I. P. Railway Lines, thence running Northwards along the East side of the G. I. P. Railway Lines up to its junction with Currey Road, thence running Eastwards along the South side of Currey Road and Jijibhai Lane, thence Northwards along the East side of Parel Government Gate Road to its junction with Parel Back Road, thence Eastwards along the south side of Parel Back Road to its junction with Parel Tank Road, thence Southwards along the West side of Parel Tank Road, to its junction with Sewri Road, Kalachowki Road and Reay Road.	3
25	Parel ...	A line starting from the junction of the G. I. P. Railway Lines and Currey Road running Northwards along the East side of the G. I. P. Railway Lines up	2

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the Corporation to be elected for each ward.
		to its junction with Elphinstone Road, thence extending Eastwards along the South side of Elphinstone Road, and Jerbai Wadia Road up to its junction with Bhoiwada Road, thence Southwards along the West side of Bhoiwada Road and Parel Tank Road up to its junction with Parel Back Road, thence Westwards along the North side of Parel Back Road, thence Southwards along the West side of Parel Government Gate Road up to its junction with Jijibhai Lane, thence Westwards along the North side of Jijibhai Lane and Currey Road to the starting point, viz., junction of the G. I. P. Railway Lines and Currey Road.	
26	Naigaum ...	A line starting from the junction of Elphinstone Road and the G. I. P. Railway Lines running eastwards along the North side of Elphinstone Road, Jerbai Wadia Road extending in a straight line to Khadkal Creek, thence Northwards along the Coast Line upto Goleh Creek, thence along the South side of Goleh Creek up to its junction with the Road to the East of Madhli Antop, thence Southwards along the East and South side of the aforesaid Road, thence along the South side of the Road running to the South of the Madhli Antop Hill, thence Westwards along the South-side of Antop Hill Road to its junction with Katrak Road, Lady Jehangir Road and Matunga Road, thence Southwards along the East side of Katrak Road to its junction with Naigaum Cross Road, thence Westwards along the South side of Naigaum Cross Road up to its junction with the G. I. P. Railway Lines, thence Southwards along the East side of the G. I. P. Railway Lines to the starting point, viz., junction of G. I. P. Railway Lines and Elphinstone Road.	4
27	Matunga ...	A line starting from the junction of the G. I. P. Railway Lines and Naigaum Cross Road running Eastwards along the North side of Naigaum Cross Road up to its junction with Katrak Road, thence Northwards along the West side of Katrak Road upto its junction with Lady Jehangir Road and Matunga Road, thence Northwards along the West side of Matunga Road up to its junction with the Road to the North Side of the Khalsa College, thence Westwards along the South side of the Road North of the Khalsa College, thence along South side of the Road South of the King's Circle and Bhandarkar Road up to its junction with the G. I. P. Railway Lines, thence Southwards along the East side of G. I. P. Railway Lines to the starting point, viz., junction of the G. I. P. Railway Lines and Naigaum Cross Road.	2
28	Sion ...	A line starting from the junction of the G. I. P. Railway Lines and Bhandarkar Road running Northwards to the East of the G. I. P. Railway Lines up to Bombay City Limit (to the middle of Duncan Causeway), thence Eastwards along the Northern limit of Bombay, thence Southwards along the Sea up to its junction with Goleh Creek, thence along the Northside of Goleh Creek up to its junction with the Road to the East of Madhli Antop, thence Southwards along the	2

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the Corporation to be elected for each ward.
		West and North side of the aforesaid Road, thence along the North side of the Road running to the South of Madhli Antop Hill, thence Westwards along the Northside of Antop Hill Road to its junction with Katrak, Lady Jehangir and Matunga Roads, thence Northwards along the East side of Matunga Road to its junction with the Road to the North side of the Khalsa College, thence Westwards along the North side of the Road North of the Khalsa College, thence along the Northside of the Road to the South of the King's Circle and North side of Bhandarkar Road to the starting point, viz., junction of the G. I. P. Railway Lines and Bhandarkar Road.	
29	Love Grove ...	A line starting from the junction of the G. I. P. Railway Lines and South side of Kalachowki Road running Northwards along the East side of the G. I. P. Railway Lines upto its junction with Carrey Road, thence Westwards along the South side of Carrey Road, thence Northwards along the West side of DeLisle Road, upto its junction with Fergusson Road, thence Westwards along the South side of Fergusson Road, thence Northwards along the West side of Dr. Annie Besant Road upto its junction with Road No. 10, thence along the South side of Road No. 10 to the Sea, thence Southwards along the Sea Coast including Haji Ali Tomb to its junction with Hornby Vellard and Clerk Road, thence Eastward along the North side of Clerk Road, Jacob Circle and Arthur Road to its Dead End near Chinchpokli Station, thence cutting Chinchpokli Station to the starting point, viz., junction of G. I. P. Railway Lines and Kalachowki Road.	4
30	Lower Parel ...	A line starting from the junction of Carrey Road and the G. I. P. Railway Lines running Northwards along the East side of the G. I. P. Ralway Lines upto its junction with Elphinstone Road, thence Westwards along the South side of Elphinstone Road, New Parbhadevi Road to its junction with Cadell Road, thence Southwards along the East side of Cadell Road upto its junction with the Drainage Channel now *partly* covered over, thence Southwards along the East side of the Drainage Channel now *partly* covered over upto its junction with Fergusson Road, thence Eastwards along the North side of Fergusson Road, thence Southwards along the East side of DeLisle Road to its junction with Carrey Road, thence Eastwards along with Northside of Carrey Road to the starting point, viz., junction of Carrey Road and the G. I. P. Railway Lines.	2
31	Worli ...	A line starting from the junction of Fergusson Road and the Drainage Channel now *partly* covered over, running Westwards along the Northside of Fergusson Road, thence Northwards along the East side of Dr. Annie Besant Road upto its junction with Road No. 10, thence along the North side of Road No. 10 to the Sea, thence Northwards along the Sea Coast upto Worli Point, thence Southwards along the Sea Coast to its junction with Worli Sonapur Lane, thence Eastwards	3

Consecutive No.	Name of Ward.	Description of boundaries.	No. of members of the Corporation to be elected for each ward.
		along the South side of the Worli Sonapur Lane upto its junctions with Cadell Road, thence Southwards along the West side of Cadell Road and West of the Drainage Channel, now *partly* covered over to the starting point, viz., junction of Fergusson Road and the Drainage Channel now partly covered over.	
32	Parbhadevi ...	A line sarting from the junction of G. I. P. Railway Lines and Elphinstone Road, running Northwards along the East side of the G. I. P. Railway Lines to its junction with Naigaum Cross Road, thence Westwards crossing the G. I. P. and the B. B. & C. I. Railway Lines, along the South side of Dadar Road, Portuguese Church Street and Kashinath Dhuru Road to the Sea, thence Southwards along the Seashore upto Worli Sonapur Lane, thence Eastwards along the North side of Worli Sonapur Lane, New Parbhadevi Road and Elphinstone Road to the starting point, viz., junction of the G. I. P. Railway Lines and Elphinstone Road.	3
33	Dadar ...	A line starting from the junction of the G. I. P. Railway Lines and Naigaum Cross Road running Northwards along the East side of the G. I. P. Railway Lines to its junction with Lady Hardinge Road, thence Westwards along the South side of Lady Hardinge Road to its junction with Cadell Road, thence Northwards along the West side of Cadell Road upto the South side of the Scottish Orphanage, thence Westwards along the South side of the Road to the South side of the Scottish Orphanage Play-ground upto the Sea, thence Southwards along the Sea Coast to its junction with Kashinath Dhuru Road, thence Eastwards along the North side of Kashinath Dhuru Road, Portuguese Church Street and Dadar Road to the starting point, viz., junction of G. I. P. Railway Lines and Naigaum Cross Road.	3
34	Mahim ...	A line starting from the junction of the G. I. P. Railway Lines and Lady Hardinge Road, running Northwards along the East side of the G. I. P. Railway Lines upto the Northern, limit of Bombay (middle of Duncan Causeway) thence Westwards along the line running through the Centre Point of the B. B. & C. I. Railway and Lady Jamshedji Bridges to the Sea, thence Southwards along the Sea Coast to its junction with the Road South of the Scottish Orphanage Play Ground; thence Eastwards along the Northside of the aforesaid Road upto its junction with Cadell Road, thence Southwards along the East side of Cadell Road upto its junction with Lady Hardinge Road, thence Eastwards along the north side of Lady Hardinge Road to the starting point, viz., junction of the G. I. P. Railway Lines and Lady Hardinge Road.	3
		Total ...	106

SCHEDULE C.

(See *section 110.*)

FORM OF DEBENTURE.

No. for Rs.

By virtue of the City of Bombay Municipal Act, 1888, we, the Municipal Corporation of the City of Bombay, in consideration of the sum of paid to us by *A. B.* of for the purposes of the said Act, promise to pay to the said *A. B.*, his heirs, executors, administrators and assigns, the said sum of together with interest at the rate of per centum per annum payable half-yearly on the day of and the day of

And, by way of security for the said payment, we do hereby grant and assign unto the said *A. B.*, his heirs, executors, administrators and assigns such proportion of the moneys arising or accruing by virtue of the said Act from (the taxes mortgaged) as the sum aforesaid doth or shall bear to the whole sum which is or shall be borrowed on the credit of the said (taxes), to hold to the said *A. B.*, his heirs, executors, administrators and assigns from the day of the date hereof until the sum aforesaid with interest for the same at the rate aforesaid shall be fully paid and satisfied ;

And it is hereby declared that the said principal sum shall be repaid on the day of 18 at (place of payment).

Dated this day of 18 .

(*To be sealed with the common seal of the corporation.*)

(*Signed*)

Municipal Commissioner on behalf of the corporation.

This debenture has been sealed with the common seal of the Municipal Corporation of the City of Bombay in our presence :—

(*Signed*)

1.....
2..... } Members of the Standing Committee.

SCHEDULE D.—[*Deleted by Bom. 76 of 1948, s. 38.*]

SCHEDULE E.

(See *section 150.*)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS BEEN EFFECTED BY INSTRUMENT.

To the Municipal Commissioner for the City of Bombay.

I, *A. B.*, hereby give notice, as required by section 149 of the City of Bombay Municipal Act of 1888, of the following transfer of property :—

Date of Notice.	Date of Instrument.	Name of Vendor or Assignor.	Name of Purchaser or Assignee.	Amount of consideration.	Description of the Property.						If instrument has been registered, the date of Registration.	Remarks.
					Of what it consists.	Situation.	No. in Assessment Book.	Collector's No.	Dimensions of Land.	Boundaries.		

(*Signed*) *A. B.*

SCHEDULE F.

(See *section 150.*)

FORM OF NOTICE OF TRANSFER TO BE GIVEN WHEN THE TRANSFER HAS TAKEN PLACE OTHERWISE THAN BY INSTRUMENT.

To the Municipal Commissioner for the City of Bombay.

I, *A. B.*, hereby give notice, as required by section 149 of the City of Bombay Municipal Act of 1888, of the following transfer of property :—

Date of Notice.	Name in which the property is at present entered in the Commissioner's Records.	To whose name it is to be transferred.	Description of the property.						Remarks.
			Of what it consists.	Situation.	No. in Assessment Book.	Collector's No.	Dimensions of Land.	Boundaries.	

(*Signed*) *A. B.*

[1]SCHEDULE G.

(See *section 180.*)

TAX ON VEHICLES AND ANIMALS.

Serial No.	Description of vehicle or animal.	Maximum amount of tax per quarter. For vehicles with pneumatic tyres.	For vehicles without pneumatic tyres.
		Rs.	Rs.
1	Vehicles impelled by machinery and used for commercial purposes other than the carriage of passengers—		
	Weighing up to 2 tons empty	45	65
	Do. 4 do.	55	80
	Do. 8 do.	65	95
	Do. 12 do.	75	110
	Over 12 do.	85	125
2	Each vehicle drawn or intended to be drawn by any vehicles falling under Serial No. 1 and used for commercial purposes (i.e. trailers)—		
	Weighing up to 2 tons empty	30	45
	Do. 4 do.	40	60
	Do. 8 do.	50	75
	Do. 12 do.	60	90
	Over 12 do.	70	100
3	Each vehicle impelled by machinery and used solely for carrying passengers—		
	Weighing up to 15 cwt. empty	25	40
	Do. 30 do.	35	50
	Do. 45 do.	50	75
	Over 45 do.	65	90
4	Vehicle drawn or intended to be drawn by any vehicle falling under Serial No. 3 (i. e. trailer)	12	20
5	Each three-wheeled vehicle impelled by machinery and used solely for carrying passengers	15	25
6	Each two-wheeled vehicle impelled by machinery	12	20
7	Each four-wheeled vehicle drawn by horses, ponies, mules, donkeys or bullocks—		
	(*a*) Labour carts	2	8
	(*b*) Other vehicles in this class	8	12
8	Each two-wheeled vehicle drawn by horses, ponies, mules, donkeys or bullocks—		
	(*a*) Labour carts	2	6
	(*b*) Other vehicles in this class	4	6
9	Each vehicle drawn or impelled otherwise than by horses, ponies, mules, donkeys, bullocks or machinery	1	2

10	Each horse, pony or mule of a height of 12 hands or upwards ..	Rs. 8
11	Each horse, pony or mule of a height of less than 12 hands ..	,, 4
12	Each bullock or buffalo kept for draught or pack purposes ..	,, 2
13	Each donkey kept for draught or pack purposes or for riding ...	,, 2

[1] This schedule was substituted for the original by Bom. 76 of 1948, section 39, sub-section (*1*). Notwithstanding the provisions of sub-section (*1*), the tax on vehicles and animals shall be levied for the period ending on the 31st March 1949 as if the provisions of the said sub-section had not come into operation.

[1]SCHEDULE H.

(See *section 192.*)

ARTICLES LIABLE TO PAYMENT OF TOWN-DUTIES.

Articles.	Maximum Rates of Town-duties leviable.
Grain of all sorts	2 annas per maund.
Flour of all sorts	75 per cent. of the rate for the time being levied on the grain from which the flour is prepared.
Wines and spirits	1 rupee per imperial gallon.
Beer	2 annas per imperial gallon.
Sugar, molasses and gur	12 annas per cwt.
Ghee	1 rupee per quarter.
Ghee substitutes (of whatever composition) which are not pure ghee but which resemble pure ghee and are capable of being used as substitutes for pure ghee, including hydrogenated vegetable oil.	1 rupee per quarter.
Timber, exclusive of railway sleepers	3 per cent. of its market value.
Plywood or any other kind of wood prepared by artificial process.	3 per cent. of its market value.
Firewood	9 annas per ton.
Charcoal	1 rupee per ton.
Tea	Re. 0-0-6 per lb.
Coal	Re. 0-7-0 per ton.
Dates, dry	Re. 0-12-0 per cwt.
Dates, wet	Re. 0-8-0 per cwt.
Cement	Re. 1-0-0 per ton.
Iron and Steel	Rs. 2-8-0 per ton.
Paper—	
(*a*) Newsprint	Re. 0-5-0 per cwt.
(*b*) For cards or other like purposes ...	Re. 1-0-0 per cwt.
(*c*) Strawboards	Re. 0-3-0 per cwt.
[2][*Edibles*]—	
(*a*) Bacon and Hams	6¼ per cent. *ad valorem.*
[3][(*b*) Table Butter	
(*b*1) Butter other than Table Butter!] ...	
[4][(*c*) Fruits (canned, tinned, bottled, boxed or cartoned.)	
(*d*) Fish (canned, tinned, bottled, boxed or cartoned.)]	
(*e*) Cheese [5]* * *	

[1] Schedule H was substituted by Bom. 20 of 1947, s. 2.
[2] This heading was substituted for the heading "Tinned Provisions" by Bom. 76 of 1948, s. 40.
[3] These items were substituted for the original item "(*b*)", *ibid.*
[4] These items were substituted for the original, *ibid.*
[5] The brackets and words "(including canned)" were deleted, *ibid.*

Articles.	Maximum Rates of Town-duties leviable.
(*f*) Confectionery	6¼ per cent. *ad valorem.*
(*g*) Jams and Jellies	
(*h*) Milk condensed and preserved, [1]* * * ...	
(*i*) All sorts of farinaceous foods	
(*j*) Pickles	
(*k*) Cocoa and Chocolates	
(*l*) Biscuits and cakes	
(*m*) Lard	
(*n*) Fruit juices and all beverages	
[2][(*o*) All kinds of food and drink not specifically provided for (canned, tinned, bottled, boxed or cartoned)].	
(*p*) Whole milk powder	
(*q*) Skimmed milk powder	
[3][(*r*) Mawa and milk cream]	

SCHEDULE I.

(See *section 202.*)

FORM OF NOTICE OF DEMAND.

To

A. B.

residing at

Take notice that the Municipal Commisioner for the City of Bombay demands from (*you*) the sum of due from (*you*) on account of (*here describe the premises, vehicle or animal on account of which the tax is leviable*) or the half-year (*or* quarter) commencing (*or* ending on) the day of 18 ; and that if the said sum is not paid into the municipal office at , or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the Commissioner within fifteen days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this day of 18 .

(*Signed*)

Municipal Commissioner for the City of Bombay.

[1] The words "including milk cream" were deleted by Bom. 76 of 1948, s. 40.
[2] This item was substituted for the original, *ibid.*
[3] This item was added, *ibid.*

SCHEDULE J.

(See *section 203.*)

FORM OF DISTRESS WARRANT.

To (*here insert the name of the officer charged with the execution of the Warrant.*)

Whereas *A. B.*, of , has not paid, or shown sufficient cause, to my satisfaction, for the non-payment of the sum of due for the tax* mentioned in the margin for the half-year (*or* quarter) commencing (*or* terminating) on the day of 18 , although the said sum has been duly demanded in writing from the said *A.B.*, and fifteen days have elapsed since the service of the notice of demand;

* Here describe the tax.

This is to command you to distrain the goods and chattels of the said *A. B.* (*or, as the case may be, any goods and chattels on the premises in respect of which the said tax is due*) to the amount of the said sum of , and such further sum as may be sufficient to defray the cost of recovering the said amount; and if within five days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficient to defray the said costs, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of

and the cost of recovering the same, to return the surplus, if any, and if the same be demanded within one year from date of the sale, to the person whom you shall find in possession of the said goods and chattels.

If sufficient distress cannot be found of the goods and chattels of the said *A. B.* (*or* on the said premises, *as the case may be*), you are to certify the same to me together with this warrant.

Dated this day 18 .

(*Signed*)

Municipal Commissioner for the City of Bombay.

SCHEDULE K.

(See *section 205.*)

FORM OF INVENTORY AND NOTICE.

To

A.B.

residing at

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the sum of due for the tax mentioned in the margin* for the half-year (*or* quarter) commencing (*or* terminating) on the day of 18 ; and that unless you pay into the municipal office at the amount due, together with the costs of recovery, within five days from the day of the date of this notice, the goods and chattels will be sold.

* Here describe the tax.

Dated this day of 18 .

(*Signature of the officer executing the warrant.*)

INVENTORY.

(*Here state particulars of the goods and chattels seized.*)

SCHEDULE L.

(See *section 207.*)

TABLE OF FEES PAYABLE IN DISTRAINTS.

Sum distrained for.	Fees.
	Rs. as.
Under 5 Rupees	0 4
Rupees 5 and under 10 Rupees	0 8
„ 10 „ 15 „	0 12
„ 15 „ 20 „	1 0
„ 20 „ 25 „	1 4
„ 25 „ 30 „	1 8
„ 30 „ 35 „	1 12
„ 35 „ 40 „	2 0
„ 40 „ 45 „	2 4
„ 45 „ 50 „	2 8
„ 50 „ 60 „	3 0
„ 60 „ 80 „	3 12
„ 80 „ 100 „	4 8
Above 100 Rupees	5 0

The above fees are to include all expenses except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each peon so employed.

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[1][SCHEDULE M.

[2][PART I.

Articles which shall not be kept without a licence in or upon any premises.

(See *section 394.*)

Blood.

Dynamite.

Blasting powder.

Fulminate of mercury.

Gun-cotton.

Nitro-glycerine.

Phosphorus.

[1] The present schedule M was substituted for the original schedule by Bom. 2 of 1911, s. 23.
[2] New Parts I, II and III were substituted for the original Parts I, II and III by Bom. 10 of 1928, s. 18.

PART II.

Articles which shall not be kept without a licence, in or upon any premises in quantities exceeding at any one time the maximum quantities hereunder set opposite such article respectively :—

Articles.	Maximum quantity which may be kept at any one time without a licence.
Bidi leaves	4 cwts.
Camphor	½ cwt.
Celluloid	4 cwts.
Celluloid goods	
Chemicals, liquid	4 gals.
Chemicals, non-liquid	¼ cwt.
Chlorate of Potash	¼ ,,
Cinematograph films	20 lbs.
Copra	4 cwts.
Cotton refuse and waste	4 ,,
Cotton seed	4 bags not exceeding 4 cwts.
Dry leaves (Patravali, etc.)	4 cwts.
Esas	1 cwt.
[1] * * *	* * *
Gunpowder	5 lbs.
Matches for lighting	1 gross boxes.
Methylated spirit	10 gals.
Packing stuff (Paper cuttings, straw, etc.)	4 cwts.
Paints	5 ,,
Old paper (waste) including old newspapers, periodicals, magazines, etc., kept for sale or for other than domestic use	4 ,,
Petroleum as defined in the Indian Petroleum Act, 1899	10 gals.
Dangerous Petroleum as defined in the same Act	3 ,,
Oil (other sorts)	15 ,,
"Oilseeds" other than cotton seeds	1 ton.
Rosin	¼ cwt.
Saltpetre	¼ ,,
Sulphur	¼ ,,
Tar, pitch, dammer or bitumen	½ ,,
Turpentine	1 gal.
Varnish	20 gals.

PART III.

Articles which shall not be kept without a licence, in or upon any premises, for sale or for other than domestic use :—

Acetylene gas.
Ashes
Bamboos.
Bones.
Cocoanut fibre.
Carbide of Calcium.
Charcoal.
China grass.
Coal.
Coke.
Fat.
Fins.
Firewood.
Fireworks.
Fish (dried).
Flax
Grass.
Gunny bags.
Hair.
Hay.
Hemp.
Hessian cloth (Gunny bag cloth).
Hides (dried).
Hides (raw).
Hoofs.
Horns.
Jute.
Khokas or wooden boxes or barrels (manufacturing and storing).
Offal.
Rags.
Sandalwood.
Skins.
Straw.
Tallow.
Timber.
Wool (raw).

[1] The entry "Ghee kept for sale" "4 cwts," was omitted by Bom. 32 of 1935, s. 16.

PART IV.

Trades or operations connected with trade which shall not be carried on in or upon any premises without a licence.

(See *sections 394 and 395.*)

Baking.
Casting metals.
Dyeing cloth or yarn, in indigo or other colour.
[1][Keeping of eating-houses.]
[2][Keeping of sweetmeat shops except in premises already licensed as an eating-house.]
[3][Keeping of hair dressing saloons or barbers' shops.]
Tanning, pressing or packing hides or skins, whether raw or dried.
Manufacturing, packing, pressing, cleaning, cleansing, [4][melting] or preparing by any process whatever any of the following articles :—

Aerated waters.	[6][Gunpowder.]
[5][Bidis (indigenous cigarettes).]	[7][Ice.]
[6][Blasting Powder.]	Lime.
Bones.	[6][Matches for Lighting.]
Bricks or tiles.	Offal.
Candles.	Oil-cloth.
Catgut.	Paper.
Cotton or cotton refuse or cotton seed.	Pitch.
Cowdung cakes.	Pottery.
Dammer.	Rags.
[6][Dynamite.]	Soap.
Fat.	Sugar.
[6][Fireworks.]	Tallow.
Flax.	Tar.
Gas.	[6][Vegetable Oil.]
Ghee.	Wood.

SCHEDULE N.

(See *section 444.*)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF BIRTHS.

Serial Number.
Date of birth.
Place of birth ... District.
Sub-district.
Ward No. of house [i.e., *its distinguishing number under clause (a) of s. 156.*]
Street or wadi.
No. of house in street or wadi.

[1] This entry was inserted by Bom. 1 of 1916, s. 15.
[2] This entry was inserted by Bom. 5 of 1920, s. 7.
[3] This entry was inserted by Bom. 7 of 1921, s. 15 (*a*).
[4] The word "melting" was inserted by Bom. 8 of 1918, s. 22 (*c*) (*1*).
[5] This entry was inserted by Bom. 7 of 1921, s. 15 (*b*).
[6] This entry was inserted by Bom. 8 of 1918, s. 22 (*c*) (*2*).
[7] This entry was added by Bom. 1 of 1925, s. 29.

Parents ... ...
- Names (and surnames, if any).
- Occupation or profession.
- Place of birth.
- Duration of residence in Bombay.
  - Years.
  - Months.
  - Days.

Mother being ... ...
- Only wife now alive.
- One of two wives, both now alive.
- One of three or more wives, all now alive.

Mother being unmarried.

Child ... ...
- Born alive.
- Still-born.
- Sex.
- Race, caste or nationality.
- Name, if any.

SCHEDULE O.

(See *section 444*.)

PARTICULARS TO BE SPECIFIED IN THE REGISTER OF DEATHS.

Serial number.

Date of death

Abode ... ...
- District.
- Sub-district.
- Ward No. of house (i.e., *its distinguishing number under clause (a) of section 156*.]
- Street or wadi.
- No. of house in street or wadi.

Duration of residence in Bombay ...
- Years.
- Months.
- Days.

If a stranger to Bombay, or lately arrived, wherefrom
- Village.
- Taluka.
- District.

Name (and surname, if any).

Sex.

Race, caste or nationality.

Age ... ...
- Years.
- Months.
- Days.
- Still-born.

Occupation or profession of deceased or of his or her family.

Place of birth ... ...
- If in Bombay ...
  - District.
  - Street or wadi.
  - No. of house.
- If out of Bombay ...
  - Village.
  - Taluka.
  - District.

NOTE.—In the case of the birth of a Hindu, the particular sub-division of his caste should be given. Christians should be separated into those of pure Europeans parentage; those of mixed blood *viz.*, Indo-Europeans; and those of pure Asiatic parentage, *viz.*, Native Christians, Negro-Africans or Siddis should be registered as such and not as Mussalmans. In the case of Europeans, their religion should be specified.

Country to which family belongs.
Cause of death.

Duration of disease ... ... { Years. Months. Days. Hours.

Name and residence of medical attendant.

Place of disposal of dead, No. ... ... { Buried. Burnt. Exposed.

SCHEDULE P.

(See *section 450.*)

CERTIFICATE OF CAUSE OF DEATH.

I do hereby certify that I attended the deceased during his last illness, and that the cause of his death was, to the best of my belief (*here state particulars*).

Date (*Signed*)

Medical Designation or Diploma.

SCHEDULE Q.

(See *section 453.*)

FORM CERTIFYING NAME GIVEN IN BAPTISM.

I, of , do hereby certify that on the 18 , I baptized by the name of a male child produced to me by as the of , and declared by the said to have been born at , on the 18 . .

Date (*Signed by Officiating Minister*).

FORM CERTIFYING NAME GIVEN NOT IN BAPTISM.

I, , do hereby certify that the male child, born on the 18 , at , to and his wife, and registered in the district of on the 18 , has received the name of

Date (*Signed by father or mother, etc.*)

SCHEDULE R.

(See *section 528.*)

TRANSITORY PROVISIONS.

[1, 2, 3, 4, 5 *and* 6.] *Repealed by Act XVI of 1895.*

7. The standing committee may, with the approval of the corporation, grant to the Municipal Secretary, in addition to his maximum monthly salary of one thousand rupees, a personal allowance not exceeding two hundred rupees monthly in consideration of such secretary's long and approved service, so long as the office is held by the same person who on the day when the Bombay Municipal Acts Amendment Act, 1882,[1] came into force was secretary of the town council and clerk of the Municipal Corporation. **Personal allowance to present Municipal Secretary.** **Bom. VI of 1882.**

[8, 9, 10, 11, 12 *and* 13.] *Repealed by Act XVI of 1895.*

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[2]SCHEDULE S.

[See *section 259A, sub-section* (*3*).]

DRAINAGE COMPLETION CERTIFICATE.

I do hereby certify that the following work (*insert full particulars of the work*) has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws, and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(*Signed*)

(*Dated*)

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[3]SCHEDULE T.

[See *section 353A, sub-section* (*1*)]

BUILDING COMPLETION CERTIFICATE.

I do hereby certify that the following building work (*insert full particulars of the work*) has been supervised by me and has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the by-laws and no requisitions made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(*Signed*)

(*Dated*)

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[1] Bom. 6 of 1882 is repealed by section 2 of this Act.
[2] Schedule S was inserted by Bom. 5 of 1905, s. 60.
[3] Schedule T was inserted by Bom. 5 of 1905, s. 60.

[1]SCHEDULE U.

[See *section 62, sub-section (1).*]

MEDICAL INSTITUTIONS IN BOMBAY.

1. The Jamsetjee Jeejeebhoy Hospital.
2. The Bai Motlibai (Obstetric) Hospital.
3. The Sir Dinshaw Manockji Petit Hospital for Women and Children.
4. The Dwarkadas Lallubhai Dispensary for Women and Children.
5. The St. George's Hospital.
6. The Goculdas Tejpal Native General Hospital.
7. The Pestonji Hormusji Cama Hospital for Women and Children.
8. The Allbless Obstetric Hospital.
9. The Jaffer Sulliman Dispensary for Women and Children.
10. The Jehangir Nassarvanji Wadia Dispensary, Mahim.

[2]SCHEDULE V.

(See *section 89A.*)

LANDS AND BUILDINGS IN THE USE AND OCCUPATION OF THE BOMBAY CITY POLICE.

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
1	Quarters for Police Officers formerly used as the Police Magistrate's Court, Maharbavdi, Girgaon Back Road.	416	D416	7,482	9,189
2	Police Station in Picquet Road	18	C916	1,915	377
3	New Police Chowki near Null Bazar, Erskine Road ..	3421A	C 6,806	362	603
4	Police Station at the junction of Hornby Vellard and Warden Roads, Mahaluxmi.	*Nil.*	G 1	356	760
5	New Police Chowki at Jacob's Circle, Byculla ..	7733	E 4572(3)	819	2,181
6	New Chowki in Undria Street, Nagpada	4079 &4080	E 8 & E 306	638	28
7	Bungalow No. 7, Hansraj Lane, Byculla Bridge ..	3672(2)	E 4727 to 4729	9,639	47,033
8	Police Head-quarters and Lines in Esplanade, Carnac and Hornby Roads.	8473	A 3325 to 3329 A 3715 (1 & 2) A 3716 (1 & 3)	11,422	154,555
9	Police Magistrate's Court in Esplanade and Cruickshank Roads (portion used for residential purposes only).	8472	A 3344 to 3440	1,328	*Nil.*
10	"Claremount" premises, Nesbit Lane, Mazgaon (portion used for residential purposes only).	3687	E 6151	4422	,,
[11	"Grant House", Pultan Road	8476	A 3333 (2) & (3) & 3334 (1)	9,350	28,884]
12	New Police Chowki at Girgaum, near the Tramway Terminus, Girgaum Road.	408	D 287	598	521
13	Pound keepers quarters at Girgaon near Kennedy Bridge.	7957	D 247	4,548	2,320

[1] Schedule U was added by Bom. 3 of 1907, s. 22.
[2] Schedule V was added by Bom. 3 of 1907, s. 22.
[3] This item was substituted for the original item by Bom. 2 of 1911, s. 24.

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
14	Chowki at Middle Colaba near the Post Office, Middle Colaba Road.	9699	A 26 (2)	390	3,464
15	Police Station, Bazar Gate Road and Fort Street ..	8484 & 8485	A 2163 (1)	2,194	589
16	Chowki near the Queen's Statue, Esplanade Road ..	8452	A 3505	444	*Nil.*
17	Sowars' stable and Superintendent's quarters in the lane leading to Mahim Fort.	55	G 5312	4,523	15,446
18	Old Police Head Office and Chowki in Byculla, Parel and Shepherd Roads.	3672	E4727 to E4729	7,321	51,029
19	Police Lines and Stables in Shepherd Road, Byculla ..	3672	E4727 to 4729	30,264	80,436
20	Chowki in Masjid Bundar Road, Masjid Bunder Bridge.	265	B 1171	450	*Nil.*
21	Police Chowki and Quarters behind the old Girgaum Police Court Buildings, Girgaum Back Road.	7495	D 980 to 982	4,988	2,496
22	Police Chowki at Walkeshwar Reversing Station, Walkeshwar Road, Malabar Hill.	7,238	D 2984	481	942
23	Police Station at Pydhonie, Parel Road ..	1267	B 2179 (1)	2,820	51
24	Police Quarters and Lines on Wodehouse Road Estate, Colaba Causeway Road.	9561	A 885 (1 & 5)	25,794	33,408
25	Police Quarters and Lines in the 1st Nagpada Scheme, near the Parsee Statue, New Nagpada Street.	3692	A 3689 (1 & 2) and A 3690	23,013	12,600
26	Police Quarters in Shepherd Road	3689	E 3429 to 3448	4,248	7,569
27	Police Hospital in New Nagpada Street, Nagpada, Byculla.	3692, 3696 & 3697	E3536 to 3542	7,656	43,023
28	Chowki in Bhandarwada Lane, Koliwada, Mandvi ..	2375	B 1960	212·5	*Nil.*
29	Chowki at the Junction of Kazi and Masjid Streets ..	861	C6166	180	,,
30	Chowki at the junction of the Mount, Mazgaon and Dockyard Roads, Matharpacady.	*Nil.*	E 4817	514·53	,,
31	Chowki at the junction of Church and Dholkar Streets, Mazgaon.	3363	E 6806	367	,,
32	Chowki in Parel Road, Chinchpokli	3621	E 7483	343	,,
33	Chowki in Upper Duncan Road	5683	E537 (2)	377	182
34	Chowki in Sion Road, Coorla Causeway	1/518	F 8803 (2)	81	*Nil.*
35	Chowki and Lock up in Mahim Bazar Road ..	39	G 5215	1,152	,,
36	Chowki in 1st Pasta Lane, Lower Colaba	9564	A 520	90	,,
37	Chowki in Colaba Road	9699	A26 (2)	37·98	,,
38	Chowki on Beach Road, near the Royal Artillery Mess, Colaba.	9699	A 6 (3)	45·54	,,
39	Chowki in Pilot Street, near the Afghan Memorial Church, Colaba.	9696	A 174 (2)	39·06	,,
40	Chowki in 8th Bungalow Street, near the Bombay Infantry Mess, Colaba.	9699	A 66 (2)	45·54	,,
41	Chowki near Colaba Railway Station, Wodehouse Rd.	9666	A 235 (9)	37·98	,,
42	Chowki near the Gun Carriage premises, Colaba Road	9567	A 423 (2)	45·54	,,
43	Chowki near the Town Hall, Custom House Road ..	9313	A 1057 (1)	100·00	868
44	Chowki in the compound belonging to the Improvement Trust, Wodehouse Road Buildings, Colaba Causeway.	9561	A 885 (5A)	108·00	*Nil.*
45	Chowki in Jamnagar Street, Frere Road ..	8480	A 2899 (2)	108·00	,,
46	Chowki in Fort Street, Mint Road	1/8483	A 2811 (2)	144·00	,,

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
47	Chowki near the Wellington Fountain at the junction of Mayo and Esplanade Roads.	9562	A 1301 (2)	108·00	*Nil.*
48	Chowki in Tabut Galli, Marine Lines	9561	A 3596	247·95	,,
49	Chowki at the entrance to the Admiral's Bungalow, Marine Lines.	9666	A 3586 (2)	63·00	,,
50	Chowki near Churchgate Railway Station, Queen's Road.	8426	A 3668 (2)	84·96	,,
51	Chowki to the rear of the premises known as Major Mein's Bungalow Queen's Road.	8426	A 3668 (4)	39·96	,,
52	Chowki at the junction of Waudby and Cruickshank Roads.	8472	A 3454 (2)	63·00	,,
53	Chowki at the junction of Pultan and Hornby Roads, Dhobi Ghat.	1/8478	A 3219 (1)	108·00	,,
54	Chowki at the junction of Frere and Carnac Roads ..	3186	B 4373 (3)	60·03	,,
55	Chowki at the junction of Frere Road and Ahmedabad Street.	3186	B 4353 (3)	166·32	,,
56	Chowki near the Native Infantry Line, Carnac Road ..	8475	A 3720 (2)	108·00	,,
57	Chowki at the junction of Chinch Bandar Road, and Elphinstone Overbridge.	3184	B 4117	60·03	,,
58	Chowki at the junction of Frere and Malet Bandar Roads.	3186	B 4487	60·03	,,
59	Chowki at the junction of Frere, Raichur and Elphinstone Bridge Roads.	3136	B 4471 (1)	60·03	,,
60	Chowki at the junction of Frere Road and Thana Street.	3186	B 4377 (2)	63·03	,,
61	Chowki at the junction of Queen's Road and 1st Marine Street, south of the Marine Lines Railway Station.	8099	C2322 (6)	63·00	,,
62	Chowki at the junction of 2nd Pathan Street and Durgadevi Road, south of Northbrook Gardens.	5136	C 7889	46·98	,,
63	Chowki near French Bridge, Mathew Road ..	7352	D 1686(2)	45·54	,,
64	Chowki at Chowpati Crossing, Queen's Road ..	D/7298	D 2447 (3)	45·54	,,
65	Chowki near Chowpati well, Queen's Road ..	8005	D 2442 (3)	45·54	,,
66	Chowki at the Upper Gate of Government House, Walkeshwar Road.	7202	D 2538 (3)	45·54	,,
67	Chowki near the Ladies' Gymkhana, Ridge Road ..	7295	D 3365 (2)	45·54	,,
68	Chowki at the junction of Nepean Sea and Nepean Roads.	7215	D 3316	139·97	,,
69	Chowki at Nana-ka-chowka, Gawalia Tank Road ..	7343	D 2872(4)	45·54	,,
70	Chowki near Davar Hall, Warden Road ..	1 & 2/7139	D 3327 (3)	45·54	,,
71	Chowki opposite Messrs. Kemp and Company's premises, Peddar Road.	7128	D 3402 (3)	45·54	,,
72	Chowki midway between Mahaluxmi Chowki and the Chowki opposite. Messrs Kemp and Company's premises, Peddar Road.	8037	D 3465 (5)	45·54	,,
73	Chowki at the junction of Tardeo Road and Forjett Street.	7064	D 3427 (2)	45·54	,,
74	Chowki at the junction of Chikalwadi and Sleater Road.	7044	D 3706 (2)	45·54	,,
75	Chowki at the junction of Bellasis and Arthur Road Tardeo.	1/3396	D 3882 (2)	169·29	,,
76	Chowki near the main night-soil drain, Arthur Road..	3398	D 3901 (2)	45·54	,,

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
77	Chowki near the Byramji Dispensary, Tardeo Road ..	3386	D 3823 (2)	45·54	*Nil.*
78	Chowki near the Cowasji Patel Tank, Girgaum Back Road.	623	C 5697 (2)	46·98	,,
79	Chowki at the junction of Grant Road and Trimbak Parsharam Street.	*Nil*	D 2368 (2)	45·54	,,
80	Chowki at the junction of Grant Road and Balaram Street.	6967	E 2305 (2)	45·54	,,
81	Chowki at the junction of Grant Road and Gilder Street.	6992	E 2694 (2)	45·54	,,
82	Chowki at the junction of Girgaum Back Road and Charni Road.	7697	D 1640 (2)	45·54	,,
83	Chewki at the junction of Gun powder and Matharpacady Roads.	3772	E 6413 (2)	61·38	,,
84	Chowki at the junction of Ghorapdeo, Mount and Tank Bunder Roads.	3712	E 7722 (2)	61·38	,,
85	Chowki near Hancock Bridge, Wadi Bunder Road ..	3604	E 4791 (2)	61·38	,,
86	Chowki near the Municipal Water Tanks at the junction of De'Lima Street and Wadi Bunder Road.	3298	E 5062 (2)	61·38	,,
87	Chowki opposite the P. and O. Docks, Dockyard Road, off the Main Road, Mazgaon.	8452	A 3506 (2)	45·54	,,
88	Chowki at the junction of Connaught and Ghorupdeo Roads.	3643	E 8111 (2)	61·38	,,
89	Chowki at the junction of Kalachowki, Ghorupdeo and Sewree Roads.	3627 (1)	E 8181	170·01	,,
90	Chowki at the junction of Chinchpokli and Albert Roads.	3624	E 8261 (2)	61·38	,,
91	Chowki in the compound of the Jamshedji Jeejeebhoy Hospital.	3621	E 4574 (3)	45·54	,,
92	Chowki at Two Tanks at the junction of Duncan and Grant Roads.	4121	E 22	64·26	,,
93	Chowki at the junction of Bellasis Road and Gilder Street.	3524	E 3406 (2)	61·83	,,
94	Chowki near Messrs. Anderson's stables, Bellasis Road	6906	E 3112 (2)	60·48	,,
95	Chowki near the Parsee Statute, Bellasis Road ..	6486	E 589 (3)	61·29	,,
96	Chowki at the junction of Haines and De'Lisle Roads	3461	E 7042 (2)	60·03	,,
97	Chowki at the junction of De'Lisle and Clarke Roads	3417	E 7397 (2)	61·29	,,
98	Chowki at the junction of Haines, Clare and Sankl Roads.	*Nil*	E 4272	159·93	,,
99	Chowki at the junction of Sankli and Ripon Roads ..	3540	E 4023 (2)	46·62	,,
100	Chowki at the junction of Ripon and Moreland Roads	3483	E 4545 (2)	46·62	,,
101	Chowki at the junction of Moreland and Byculla Club Roads.	3526	E 4109 (2)	159·93	,,
102	Chowki at the junction of the five roads in the Agripada Estate belonging to the Bombay Improvement Trust.	3505	E 4093 (3)	46·62	,,
103	Chowki at the junction of Sion, Dharavi and Sion Fort Roads.	*Nil*	F 6404 (2)	159·93	,,
104	Chowki near the Hindu Temple Matunga-Agar Road	2/927	F 7799 (1)	159·93	,,
105	Chowki at the junction of Wadala and Antop Hill Roads.	18/1101	F 4559	159·93	,,
106	Chowki near Sewree Village, Sewree Road ..	2269	F 2461 (2)	159·93	,,
107	Chowki at the junction of Naigaum and Naigaum Cross Roads.	1190	F 6481 (2)	159·93	,,

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
108	Chowki opposite the Fire Brigade Station at the junction of Naigaum Cross and Vincent Roads.	1/2089	F 829 (3)	159·93	*Nil*
109	Chowki near the G. I. P. Railway Level Crossing at the junction of Dadar and Naigaum Cross Roads.	4/1263	F 6435 (3)	159·93	,,
110	Chowki near Matunga Station on the G. I. P. Railway	2036	F 667 (2)	159·93	,,
111	Chowki at the junction of Suparibaug and Elphinstone Roads.	1968	F 388 (2)	159·93	,,
112	Chowki north of Parel Tank Road, Parel ..	37/2488	F 2759 (3)	159·93	,,
113	Chowki at the junction of Parel Tank and Golanjee Hill Roads.	5/2488	F 2732 (2)	159·93	,,
114	Chowki at Jackeria Bandar, Sewree Road ..	3725	F 2761 (2)	45·56	,,
115	Chowki at the junction of Kalachowki and Parel Roads	2599	F 36 (2)	159·93	,,
116	Chowki at the junction of Parel and Suparibaug Roads	1 & 2/2539	F 112 (1)	159·39	,,
117	Chowki at the junction of Suparibaug and Currey Roads.	2566	F 124 (2)	159·93	,,
118	Chowki opposite the G. I. P. Railway Workshops, Suparibaug Road.	2582	F 564 (2)	45·56	,,
119	Chowki at the junction of Custom and Lady Jamsetji Roads.	54	G 5149 (2)	184·95	,,
120	Chowki near Mahim Bazar Cross Road, Lady Jamsetji Road.	137	G 5695 (2)	45·56	,,
121	Chowki near the Gopi Tank, Lady Jamsetji Road ..	2/1394	G 4063 (2)	45·56	,,
122	Chowki near Shivba's Door Post, Hasali, Lady Jamsetji Road.	*Nil*	G 4221	45·56	,,
123	Chowki near the path leading to Manmalla Tank, Lady Jamsetji Road.	130	G 5721 (2)	45·56	,,
124	Chowki at the junction of Lady Jamsetji, Dadar and Portuguese Church Streets.	1446	G 4307 (2)	137·97	,,
125	Chowki in Dharavi Road	5/296	G 6149 (2)	137·97	,,
126	Chowki near the Sion Railway Station, Dharavi Road	3/423	G 7607 (2)	49·95	,,
127	Chowki at the Cross Post, Mahim Bazar Road ..	1506	G 4842 (2)	45·56	,,
128	Chowki at the junction of De'Lisle and Arthur Roads	3/2718	G 2223 (2)	45·56	,,
129	Chowki at the junction of De'Lisle and Fergusson Roads.	3/3205	G 1025 (2)	45·56	,,
130	Chowki at the junction of De'Lisle and Carrol Roads	5/2236	F 2340 (2)	137·97	,,
131	Chowki near the B. B. & C. I. Railway Crossing, Elphinstone Road.	1/2035	G 2495 (2)	45·56	,,
132	Chowki at Saitan Gate, Kumbharwada, Dadar ..	1834	G 3388 (3)	45·56	,,
133	Chowki at the junction of Cleveland and Worli Roads	3035	G 2538	171·00	,,

Consecutive number.	Name and situation of the lands and buildings.	City Survey number.	Municipal Ward number.	Approximate area in square feet of land covered with buildings.	Approximate area in square feet of open ground.
134	Chowki in Pakadi Road, Worli	3/3205	G 1383 (2)	45·56	*Nil*
135	Chowki at the junction of Hornby Vellard and Worli Roads.	3346	G 6 (3)	45·56	,,
136	Chowki at the junction of Haines and Fergusson Roads	13/3299	G 184 (2)	45·56	,,
137	Chowki near the B. B. & C. I. Railway Crossing, Haines Road.	2725	G 1000 (2)	138·96	,,
138	Chowki in Jamnagar Street, Modi Bunder	8484	A 2904 (7)	147·96	,,
139	Chowki at the junction of Falkland and Foras Roads	6934	E 155	474·48	,,
140	A plot of land near the present Water Police Station, situated between Karwar and Goa Streets.	8480	A 2730 & A 2744 (5)	*Nil.*	29,665
141	A plot of land near Prince's Docks situated between Raichur Street and Elphinstone Bridge Road.	3186	B 4468, B4469 & B4470	,,	27,200

[1] SCHEDULE W.

(See *section 91A.*)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE FLATS.				
			(*Deposited Plan "A".*)				
1 (*a*)	E	66 (part), 69 (part), Lower Parel Division.	Bounded on the North partly by Plot No. 1 (*k*) of the Flats, partly by the land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43 and on the South by Haines Road; on the East by private properties bearing Cadastral Survey Nos. 66, 65, 67 and on the West partly by land belonging to the Corporation, partly by plot No. 1 (*k*) of the Flats and partly by land belonging to the B. B. & C. I. Railway Company bearing Cadastral Survey No. 43.	75,194	..		
			(*Deposited Plan "B".*)				
1 (*b*) Part 1 (*d1*) Part 1 (*d2*) 1 (*d3*)	....	383 Part 2/383 ,, of Tardeo Division.	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No. 410 (part) and partly by Clarke Road; on the South by private properties bearing Cadastral Survey Nos. 1/407, 372, 373, 374, 375, 369, 7/366, 8/366, 384, 383 (part), and 4/388, on the East by the land bearing Cadastral Survey No. 1/388 and on the West by private properties bearing Cadastral Survey Nos. 409, 408, 1/408, 407 land belonging to the Corporation and by Cadastral Survey Nos. 403, 401, 400, 399, 398, 375, 372, 382, 369, 368, 383 (part) excluding the 100 ft. and 40 ft. roads, and the Body Guard Lines.	347,050	..		

[1] This Schedule was inserted by Bom. 13 of 1933 s. 37.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE FLATS—*contd.*				
			(*Deposited Plan " C ".*)				
(*e*)	....	412 (part), Tardeo, Division.	Bounded on the North by Clarke Road; on the South by the properties bearing Cadastral Survey Nos. 413 and 56; on the East by properties bearing Cadast al Survey Nos. 414 and 56, and on the West by the Municipal private road bearing Cadastral Survey No. 390, beyond which is the land belonging to the Corporation bearing Cadastral Survey No. 411 excluding the Municipal road for rubbish carts.	19,815	..	..	
			(*Deposited Plan " D ".*)				
1(*e*)	....	1/1030, 2/1030, Lower Parel Division.	Bounded on the North by the newly constructed 100 feet Worli Road; on the South and West by land belonging to the Corporation bearing Cadastral Survey No. 286 and on the East by the private property bearing Cadastral Survey No. 1031.	6,133	..	7,666	
			(*Deposited Plan " E ".*)				
1(*f*) ..	....	1/268 and 268, Lower Parel Division	Bounded on the North by passage bearing Cadastral Survey No. 2/472 and by private properties bearing Cadastral Survey Nos. 437, 438; on the South by the land belonging to the Corporation bearing Cadastral Survey Nos. 1/269, 2/269 and 269, and by private property bearing Cadastral Survey No. 1/265; on the East by private properties bearing Cadastral Survey Nos. 270, 267, 1/265, 439, 438, 437, 436, 423, 1/472 and 2/472; and on the West by the Worli Low Level Drainage Channel bearing Cadastral Survey No. 286.	25,265	..	18,949	..
			(*Deposited Plan " F ".*)				
1(*g*)	....	71 (part), 144 (part), Lower Parel Division.	Bounded on the North by the land belonging to the Corporation bearing Cadastral Survey No. 284; on the South by Plot 1 (*i*) (East) and private property bearing Cadastral Survey No. 143; on the East partly by the land belonging to the Corporation bearing Cadastral Survey No. 2/71 and partly by private properties bearing Cadastral Survey Nos. 144 (part) and 1/45 and on the West by Plot No. 1(*i*) (East) of the Flats.	4,287	..	2,679	..
1(*h*)	....	3/71, 71 (part), Lower Parel Division.	Bounded on the North by private properties bearing Cadastral survey Nos. 106 and107; on the South by the land belonging to the Corporation bearing Cadastral Survey No. 71 (Part); on the East by the Tulsi Pipe Line Road bearing Cadastral Survey No. 70 and on the West by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part).	4,104	..	13,338	..
			(*Eastern portion.*)				
1(*i*) East	....	71 (part), Lower Parel Division.	Bounded on the North partly by the land belonging to the Corporation bearing Cadastral Survey No. 284 (part), partly by Plot 1(*g*) of the Flats and partly by private properties bearing Cadastral Survey Nos. 143, 142 and 140; on the South by the land belonging to the Corporation bearing Cadastral Survey No. 71 (part); on the East partly by private properties bearing Cadastral Survey Nos. 107, 140, 142, 143 and partly by Plot 1 (*g*) of the Flats and on the West by the Low Level Drainage Channel.	42,062	..	42,062	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE FLATS—*contd.*				
			(*Deposited Plan "F"* —contd.)				
			(*Western portion*).				
1(*i*) West	....	100 (part), Lower Parel Division.	Bounded on the North by private property bearing Cadastral Survey No. 134 and partly by private properties bearing Cadastral Survey Nos. 137, 136, 139 and partly by the Low Level Drainage Channel; on the South partly by the land belonging to the Corporation bearing Cadastral Survey No. 1/110, partly by the Low Level Drainage Channel and partly by private properties bearing Cadastral Survey Nos. 137, 136, 139 and 134; on the East by the Low Level Drainage Channel and on the West partly by land belonging to the Corporation bearing Cadastral Survey No. 1/110 and partly by private properties bearing Cadastral Survey Nos. 137, 139, 136 and 134.	..	..	..	.
			(*Deposited Plan "G".*)				
1(*j*)	....	46 (part), Lower Parel Division.	Bounded on the North by the Municipal Storm Water Reservoir, on the South partly by Clerk Road and partly by land belonging to the Corporation bearing Cadastral Survey No. 45; on the East partly by land belonging to the Corporation bearing Cadastral Survey No. 45, partly by land acquired by Government for th B. B. & C. I. Railway Company bearing Cadastral Survey No. 46 partly by the junction Road and partly by the Low Level Drainage Channel beyond which is Haines Road and on the West by the Municipal old drain.	718,048	..	..	..
			(*Deposited Plan "A".*)				
1 (*k*)	....	69 (part), Lower Parel Division.	Bounded on the North by land belonging to the B. B. & C. I. Railway Company, bearing Cadastral Survey No. 43; on the South and East by Plot No. 1(*a*) of the Flats and on the West by land belonging to the Corporation.	9,076	..	29,497	..
			Total ..	..	1,252,834	..	1,14,191
			THE KENNEDY SEA FACE.				
			(*Deposited Plan "H".*)				
2	....	7 Fort Division.	Bounded on the North, South and West by the Foreshore of Backbay and on the East by a public footpath.	4,447	..	..	..
			Total ..	..	4,447	..	..
			THE MARINE LINES ESTATES.				
			(*Deposited Plan "J".*)				
4(*a*)	.....	718 to 725, 1416 to 1421, 1429 to 1433 and 1435, Fort Division.	Bounded on the North by the South side of the compound of Government Bungalow bearing Cadastral Survey No. 1436; on the East partly by the West Boundary of Government Plot reserved for Military purposes by Government Resolution No. 2-C. W. 4, dated 3rd January 1881, and partly by the West Boundary of Plot 4 (*b*) (Marine Lines Maidan), on the South by a portion of the North boundary of Plot No. 4 (*b*) (Marine Lines Maidan) and on the West by the Marine Lines Road (Marine Street) but excluding the two Roads giving access to the Maidan from the Marine Lines Road.	32,825	..	3,28,250	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE WELLINGTON LINES PLOT.				
			(*Deposited Plan "K".*)				
5	....	14,1/14, 15 and 16, 18 to 29, Fort Division.	Bounded on the North by Mayo Road; on the South-East by Wodehouse Road; on the East by Esplanade Road and on the West by the Cooperage Road, but excluding the site occupied by the Admiral's Bungalow.	44,038	..	4,40,380	..
			THE WODEHOUSE ROAD PLOT.				
			(*Deposited Plan "L".*)				
6(*a*)	....	440 to 444, Colaba Division.	Bounded on the North-West by Wodehouse Road; on the South-East by Colaba Causeway and on the South and South-West by Convent Street.	9,494	..	..	..
6(*b*)	....	433 (part), 436 to 439, 1/439, 446 and 1/446 Colaba Division.	Bounded on the North-West by Wodehouse Road on the North and North-East by Convent Street; on the South-East by Colaba Causeway and on the South-West by Ormiston Street but excluding the sites occupied by— (1) The Elphinstone College Students' Quarters bearing Cadastral Survey No. 445 (part). (2) The Telang Memorial Quarters bearing Cadastral Survey No. 445 (part). (3) The Wesleyan Church and School under a lease dated 4th March 1925 bearing Cadastral Survey No. 433 (part). (4) The Wodehouse Road Police Accommodation Buildings bearing Cadastral Survey No. 435, and (5) The Temple bearing Cadastral Survey No. 434.	13,355	..	..	..
6(*c*)	....	425 to 429, Colaba Division.	Bounded on the North-West by Wodehouse Road; on the North-East by Ormiston Street; on the South East partly by the property of the Corportion bearing Cadastral Survey No. 431 and partly by the property of the Bombay Electrical Supply and Tramways Company, Limited bearing Cadastral Survey No. 430 and on the South by the B. B. & C. I. Railway land bearing Cadastral Survey No. 2 and the G. I. P. and B. B. & C. I. Railway sidings bearing Cadastral Survey No. 322.	18,731	..	..	
			Total, Wodehouse Road Plot	..	.. 41,580	..	4,15,800
			THE HORNBY ROAD PLOT.				
			(*Deposited Plan "M".*)				
7(*a*)	....	699, Fort Division.	Bounded on the North-East, South-East and South-West by property in the occupation of the Standard Life Assurance Company, bearing Cadastral Survey No. 698 and on the North-West by Bastion Road.	116	..	..	..
7(*b*)	....	700 and 701, Fort Division.	Bounded on the North-East by premises known as the J. N. Petit's Institute bearing Cadastral Survey No. 102, on the South-East by Hornby Road, on the South-West by the property in the occupation of the Standard Life Assurance Company bearing Cadastral Survey No. 698 and on the North-West by Bastion Road.	1,339	..	..	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE HORNBY ROAD PLOT—*contd.*				
			(*Deposited Plan "M"*)—contd.				
7 (*c*)	....	740, 741, Fort Division.	Bounded on the North-East by the Parsi Lying in Hospital, bearing Cadastral Survey No. 742; on the South-East by Bastion Road; on the South-West by Cathedral Girls' School, bearing Cadastral Survey No. 739 and on the North-West by Prescott Road.	1,878	..	..	..
7 (*d*)	....	744, 745, Fort Division.	Bounded on the North-East by Outram Road; on the South-East by Hornby Road: on the South-West by property in occupation of Messrs. Whiteaway Laidlaw and Company, Limited bearing Cadastral Survey No. 743 and on the North-West by Bastion Road.	2,648	..	..	..
7 (*e*)	....	746 to 749,752, 753, 757 to 760, 1397 to 1399, 1407 to 1410, Fort Division.	Bounded on the North-East by Ravelin Street; on the South-East by Hornby Road; on the South-West by Outram Road and on the North-West by Murzban Road, but excluding the sites of the Cathedral High School for Boys (Cadastral Survey No. 750) the Government Stores (Cadastral Survey No. 756) and Bastion Road (part of) and Home Street (part of) and Wallace Street.	26,124	..	..	..
7 (*f*)	....	1406, Fort Division.	Bounded on the North-East by the site of the Scottish Free Church (Cadastral Survey No. 1405); on the South-East by Murzban Road; on the South-West by Ravelin Street and on the North-West by Waudby Road.	2,971	..	..	..
7 (*g*)	....	1402 and 1404, Fort Division.	Bounded on the North-West by Murzban Road; on the South-West by the site of the Elphinstone Cricket Club, Quarters (Cadastral Survey No. 1401) and the Masonic Hall (Cadastral Survey No. 1403) and on the South by Ravelin Street.	762	..	..	..
7(*h*)	....	1389 and 1390, Fort Division.	Bounded on the North-West by Murzban Road; on the South-East by Hornby Road; on the South-West by private property bearing Cadastral Survey No. 1391 and on the West by Bastion Road and property bearing Cadastral Survey No. 1523.	3,257	..	..	
7 (*i*)	....	1385, Fort Division.	Bounded on the North-East by Cruikshank Road; on the East by Hornby Road; on the South-East by Murzban Road, on the South-West by private property bearing Cadastral Survey No. 1386 and on the North-West by Waudby Road.	2,521	..	..	..
			Total, The Hornby Road Plot ..	..	41,616	..	8,32 320
			TRIANGULAR PLOT SOUTH OF CRAWFORD MARKET.				
			(*Deposited Plan "N"*.)				
S	....	1492, Fort Division.	Bounded on the North by Market Road; on the West by Hornby Road; and on the South-East by Phalton Road.	7,707	..	1,54,140	..
			Total ..	..	7,707	..	1,54,140

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total areas.	Value. Amount.	Value. Total Amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			PLOT NORTH OF MUNICIPAL OFFICES.				
			(*Deposited Plan "O".*)				
	....	1451, Fort Division.	Bounded on the North by Gymnasium Road; on the South by Council Road; on the East by Hornby Road; and on the West by the Headquarters of the Bombay Volunteer Rifles. (Cadastral Survey No. 1450.)	6,811	..	2,04,330	..
			Total ..	..	6,811	..	2,04,330
			THE CHAUPATI WEST ESTATE.				
			(*Deposited Plan "P".*)				
10 (*a*) and 10 (*b*).	....	380, 1/380, 2/380, 2A/380, 3/380, 3A/380, 4 380, 4A/380 5/380, 6/380, 6A/380, 7/380 8/380, 8A/380, 9/380, 10/380, 11/380, 12/380, 13/380, 393, 394, 395, 1/395, 1A/395, 1B/395, 2/395, 3/395, 4/395, and 430, Malabar Hill Division.	(*a*) and (*b*) Bounded on the North partly by a public passage leading to Gibbs' Road and partly by land belonging to the Corporation bearing Cadastral Survey No. 437; on the South partly by the Sirri Road, partly by the Old Body Guard Lines (Cadastral Survey No. 392) and partly by private properties bearing Cadastral Survey No. 376 and 382: on the East partly by Babulnath Road and partly by the Old Body Guard Lines (Cadastral Survey No. 392); and on the West by an irregular line extending from where the public passage leading to Gibbs' Road meets the Gibbs' Road to the Sirri Road beyond which are situated properties bearing Cadastral Survey Nos. 437, 381, 374 and 375 but excluding the newly constructed 30 feet and 40 feet roads Dadyseth Road and the Municipal market which all are indicted on the plan by red dotted lines—a				
			(*a*) Land forming the Hill Slope ..	47,544	..	..	..
			(*b*) Building land ..	35,653	..	..	..
10 (*c*)	....	398 to 404, 426 to 429. Malabar Hill Division.	Bounded on the North by Babulnath 1st Cross Road; on the South by Queen's Road, Chaupati; on the West by Babulnath Road; and on the East by Harvey Road, but excluding Babulnath 2nd and 3rd Cross Roads.	21,615	..	2,16,150	..
10 (*d*)	....	424 (part) Malabar Hill Division.	Bounded on the North and West by Babulnath Road; on the South, by Babulnath 1st Cross Road; and on the East by private property bearing Cadastral Survey No. 424 (part).	232	..	2,320	..
10 (*e*)	....	407 (part), 417 to 420, Malabar Hill Division.	Bounded on the North partly by a 15feet service passage bearing Cadastral Survey No. 413 and partly by Babulnath Road; on the South partly by Chaupati Road and partly by private property bearing Cadastral Survey No. 407; on the East by private properties bearing Cadastral Survey Nos. 407 and 409 and on the West by Babulnath Road.	6,232	..	62,320	
			Total, The Chaupati West Estate ..	..	111,276	..	6,37,320

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value Amount	Value Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			CHAUPATI EAST ESTATE.				
			(Near Charni Road Level Crossings).				
			(Deposited Plan "Q").				
11	....	1510, 1/1510, 1512, 1513, 1571, Girgaum Division.	Bounded on the North by a low level road and beyond by French Bridge; on the North-West by a passage and beyond by private property bearing Cadastral Survey No. 1514; on the East and South-East by the B. B. & C. I. Railway Company's land; on the West by private properties bearing Cadastral Survey Nos. 1570, 4/1517, 1517, 1516, 1515 and 1514; and on the South-West by Queen's Road, Chaupati.	4,789	..	47,890	..
			Total ..	..	4,789	..	47,890
			THE PAREL ESTATE.				
			(Deposited Plan "R")				
12(A)	....	74 (part of) Parel-Sewri Division.	Bounded on the North partly by Bhoiwada Cross Road and partly by land bearing Cadastral Survey No. 74 (part) belonging to the Corporation; on the East by the Haffkine Institute compound bearing Cadastral Survey No. 330 and partly by the Nowroji Wadia Maternity Hospital bearing Cadastral Survey No. 212/74; on the South partly by the Nowroji Wadia Maternity Hospital, partly by King Edward Road and partly by the site of the Wadia Hospital for children and on the West partly by the land of the Corporation reserved for the widening of Bhoiwada Cross Road, and partly by the site of the Wadia Hospital for children.	31,504	..	..	..
12(B)	....	74 (part) Parel-Sewri Division.	Bounded on the North-East by King Edward Road; on the West and South-West by land belonging to the Corporation bearing Cadastral Survey No. 74 (part of).	300	..	..	..
12(C1)	....	74 (part) Parel-Sewri Division.	Bounded on the North-East by the Haffkine Institute Compound bearing Cadastral Survey No 330; on the East by the Municipal property bearing Cadastral Survey No. 74 (part); on the South partly by a passage bearing Cadastral Survey No. 324 and partly by the site of the Professors' quarters for the King Edward Memorial Hospital, partly by the play-ground for the King Edward Memorial Hospital partly by the Government House Gate Road and partly by the King Edward Memorial Hospital Compound; and on the West partly by the site of the Professors' quarters for the King Edward Memorial Hospital and partly by a portion of King Edward Road.	5,560	..	..	..
12(C2)	....	323, Parel-Sewri Division.	Bounded on the North by the site of the Professors' quarters, for the King Edward Memorial Hospital; on the East by a passage bearing Cadastral Survey No. 324; on the South by a private property bearing Cadastral Survey No. 322; and on the North-West by the play-ground for the King Edward Memorial Hospital.	373	..	..	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value Amount,	Value Total amount.
				Sq. yds.	Sq. yds.	Rs,	Rs.
			THE PAREL ESTATE—*contd.*				
			(*Deposited Plan "R"*)—contd.				
12(D)	.....	334, Parel-Sewri-Division.	Bounded on the North by private property bearing Cadastral Survey No. 332; on the South by private properties bearing Cadastral Survey Nos. 335, 336 and 337; on the East by a public passage, and on the West private properties bearing Cadastral Survey Nos. 329, 336 and 335.	403	..	..	..
12(E)	....	394, Parel-Sewri Division.	Bounded on the North by a passage bearing Cadastral Survey No. 324; on the South by private property bearing Cadastral Survey No. 395; on the East by private property bearing Cadastral Survey No. 400; and on the West partly by a passage bearing Cadastral Survey No. 324; and partly by private property bearing Cadastral Survey No. 395.	151	..	..	..
			(*Deposited Plan "S".*)				
12(F)	....	408 (part) of Parel-Sewri Division.	Bounded on the North-East by the Bacteriological Laboratory land bearing Cadastral Survey No. 408 (part of); on the South by private property bearing Cadastral Survey No. 414; on the East by Parel Tank Road; and on the West by private properties bearing Cadastral Survey Nos. 404 to 413.	5,131	..	..	..
12(G)	....	245, Parel-Sewri Division.	Bounded on the North partly by Parel Village Road and partly by private properties bearing Cadastral Survey Nos. 246 and 241; on the South by private property bearig Cadastral Survey No. 244; on the East by private properties bearing Cadastral Survey No. 241, 242 and 244 and on the West by private property bearing Cadastral Survey No. 246.	2,130	..	..	..
			(*Deposited Plan "G"*).				
12(H)	....	681, Parel-Sewri Division.	Bounded on the North-West by a passage bearing Cadastral Survey No. 658; on the South by Parel Tank Road; and on the North-East by private properties bearing Cadastral Survey Nos. 680, 677, 676 and 675.	1,144	..	..	..
			Total, The Parel Estate		46,696	..	1,40,088

[1]SCHEDULE X.

(See *section 91A*.)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE CONNAUGHT ROAD ESTATE.				
			(*Deposited Plan "A"*.)				
			Ward E.				
1A	7463 (1 to 4) 7464 (1 & 2) 7465 (1 to 3) 7466 (1 to 3) *Nil.* 7462 (5) 7462 (1). *Nil.*	700 to 705 .. 706, 695, 696, 699, Byculla Division.	Plot bounded on the North by property belonging to the New Great Eastern Spinning and Weaving Company bearing Cadastral Survey No. 797; on the South partly by Sussex Road, partly by a Police Accommodation Scheme bearing adastral Survey No. 697 and Cartly by private property bearing Cadastral Survey No. 698; on the East by Cork Road; and on the West partly by Parel Road and partly by the aforesaid Police Accommodation Scheme, but omitting the site of Ulster Road.	9,495	9,495	51,155	51,155
1B	*Nil.* 7448 (4) 7446 (2 to 4) ..	689 690 to 693 Byculla Division.	Plot bounded on the North by Sussex Road; on the South, by private properties bearing Cadastral Survey Nos. 682 to 687; on the East by private property bearing Cadastral Survey No. 688; and on the West by private properties bearing Cadastral Survey Nos. 678 and 679.	4,267	..	25,602	..
1 (19)	7458 ...	2/672 Byculla Division.	Bounded on the North and West by a public passage; on the East by the property bearing Cadastral Survey No. 672; and on the South by Sussex Road.	96	4,303	480	26,082
			Total ..	..	13,858	..	77,237
			WEST AGRIPADA ESTATE.				
			(*Deposited Plan "B"*.)				
2A	4134 (1 to 5) 4104 (1 to 7) 4103 (1 to 6) 4101 (1 to 5) and (9 to 12) 4099 (1 to 15). 4107 (1 to 8) 4105 (1 to 7) 4106 (1 to 7) 4108 (1 to 7) 4146 (1 to 6) 4100, 4102, 4094 (1 to 6) 4539 (1 and 2), 4540 (1) 4553. 4553, ..	1602 to 1633, 1634, 1/1634, 2/1634, 3/1634 4/1634, 5/1634, 1635 to 1659, 1/1659, 2/1659, 3/1659, 4/1659, 5/1659, 6/1659, 1660, 1584, 1862, 1/1862. 1A/1862, 1B/1862, 1863, 1/1863, 1864, 1865, 1/1865, 2/1865, 2A/1865, 3/1865, 4/1865, 5/1865, 6/1865, 7/1865, 1866 to 1871, 1/1871, 2/1871, 3/1871, 3A/1871, 4/1871, 5/1871, 5A/1871, 6/1871, 7/1871, 8/1871.	Bounded on the North partly by the site of an old water course bearing Cadastral Survey No. 1903 and partly by Gell Street; on the South by Club Road; on the East partly by Moreland Road and partly by portion of Police Accommodation Scheme No. 19 bearing Cadastral Survey No. 1907 and on the West by plot D and beyond that by Lamington Road, but excluding the site of the portion of Police Accommodation Scheme No. 19 bearing Cadastral Survey No. 1901 and the sites of Rebsch Street, Souter Street, Club Back Road, Club Cross Road, Cirrus-Avenue, Motlibai Street, Reynolds Road, Wylie Road, Agripada Chawl Street and Gell Street (part of).	216,636	216,636	..	6,49,908

[1] This Schedule was inserted by Bom. 13 of 1933, s. 37.

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			WEST AGRIPADA ESTATE—*contd.*				
			(*Deposited Plan "B"*)—contd.				
			Ward E—contd.				
	4554 (1) 4098 (3) 4091 (1 to 6). 4090 (1 to 7) and (10A). 4137 (1 to 5) 4143 (1) 4136 (1 to 4) 4135, 4145, 4134 (6 to 8) 4092 (1 to 12) 4141 (1 & 2) 4142 (1 & 2) 4139 (1 to 3) 4138, 4098 (1E) & 4093 (1A & 1B) 4093 (1AA) 4090 (8) 4094 (4, 4A).	1872 to 1875, 1/1876, 2/1876, 3/1876, 4/1876, 5/1876, 6/1876, 7/1876, 8/1876, 9/1876, 10/1876, 1877 (part), 1878 1/1878, 2/1878, 1879, 1880. 1/1880, 2/1880, 1881, 1882, 1883, 1902, 1/1902, 1908, 1909, 1911, 1912 Byculla Division.					
2B	4184, 4185 (6 to 8).	1599, 1/1599, 1600, 1/1600, 2/1600, 1601 Byculla Division.	Bounded on the North by private property bearing Cadastral Survey No. 1884, on the South by property of the B. B. and C. I. Railway Company bearing Cadastral Survey No. 1596; on the East by Lamington Road: and on the West by a passage but excluding the site of Jetha Street.	2,766	..	8,298	..
2C	4466(2) ..	1896 (part) 1897, 1899 Byculla Division.	Bounded on the North by the land belonging to the Indian Manufacturing Company Ltd., bearing Cadastral Survey No. 1896 (part); on the South by private property bearing Cadastral Survey No. 1900; on the East by Plot D and beyond that by Lamington Road and on the West partly by Arthur Road and partly by private Road bearing Cadastral Survey No. 1/1888 but excluding the site of the Police Accommodation Scheme No. 70.	3,953	..	8,578	..
2D	....	*Nil.*	Land reserved for widening of Lamington Road on its East and West sides.	5,366	5,366	..	..
			Total ..	..	228,721	..	6,66,784
			Deduct area resumed by the Corporation on 20th June 1906 out of Cadastral Survey No. 1877.	..	750	..	2,250
			Total, West Agripada Estate ..	..	227,971	..	6,64,534

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE CENTRAL AGRIPADA ESTATES. (*Deposited Plan "C".*) *Ward E.*				
3A	*Nil.*	2/1694 Byculla Division.	Bounded on the North by private property bearing Cadastral Survey No. 1853; on the South by the Municipal Urdu School bearing Cadastral Survey No. 1661, on the East by the land resumed by the Corporation bearing Cadastral Survey No. 1/1694; and on the West by Moreland Road.	190	..	760	..
3B	4067(part) *Nil.*	1664 and parts of 1663, 1689, 1691 and 1692, Byculla Division.	Bounded on the North partly by Sankli Street and partly by a service passage bearing Cadastral Survey No. 1663; on the South partly by private property bearing Cadastral Survey No. 1665 and partly by Ghellabhoy First Lane; on the East by private properties bearing Cadastral Survey Nos. 1689 (part), 1690, 1691 and 1692 (part); and on the West partly by Moreland Road and partly by private properties bearing Cadastral Survey Nos. 1665 and 1693.	2,721	2,911	9,768	10,528
			Total, Central Agripada Estate.	..	2,911	..	10,528
			THE EAST AGRIPADA ESTATE. (*Deposited Plan "D".*) *Ward E.*				
4A	7416 (1 to 6) 7413 (1 & 2) 7414 (1 & 2) 7411 (1 & 2) 7415 (1 to 3) 7412 (1 & 2)	1943 1961 to 1965, Byculla Division.	Plot bounded on the North by the Board's Mahar Chawls bearing Cadastral Survey No. 1928; on the West and South-West by Killedar Street; and on the East by Pals Street	35,478	..	..	4,27,509
4B	*Nil* 4373 (1 & 2) 4374 4375 4354 (1 to 3) 4353 (1 & 2)	1840 (part), 1842 1843 1922 Byculla Division.	Plot bounded on the North partly by land of the Board bearing Cadastral Survey No. 1840 (part of) and partly by private properties bearing Cadastral Survey Nos. 1827 to 1835; on the South by Tank Pakhady Street; on the East partly by a service passage, partly by private properties bearing Cadastral Survey Nos. 1923, 1924, 1839 and 1827 and partly by the land belonging to the Corporation bearing Cadastral Survery Nos. 1840 (part of); and on the West by Milk Street.	23,268	..	..	1,16,433

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value.	
						Amount.	Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE EAST AGRIPADA ESTATE—*contd.*				
			(*Deposited Plan "D"*) —contd.				
			Ward E—contd.				
4c	4563 (1, 2, 2A, 2B & 2C).	1844, Byculla Division.	Plot bounded on the North by Tank Pakhadi Street, on the South by the Plot No. 6, belonging to the Corporation leased to Bai Hoorbai and a minor and bearing Cadastral Survey No. 1845; on the East by Water Street; and on the West by Plot No. 5 leased to the Municipality and bearing Cadastral Survey No. 1840 (part of).	7,139	7,139	94,484	94,484
			Total, East Agripada Estate ..	..	65,885	..	6,38,426

Showing Lands at Matunga (Deposited Plan "E").

Plot No.	F. Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
		Matunga Division.					
1	6643 p. 6642 p.	31/10 part 20/10 part.	Lands at Matunga	1,006	..	755	..
2	6658 (1) p.	25/10 part	Do.	36	..	33	..
3	6600 p. 6667 p.	16/10 part 34/10 part.	Do.	866	..	812	..
4	6643 (1) p. 6791 (1) p. 6789 p. 6778 p. 6767 p.	134/10 part 134/10D part.	Do.	7,984	..	5,088	..
5	6675 p. 6680 p.	50/10 part	Do.	268	..	201	..
6	6675 p. 6680 p.	50/10 part	Do.	1,226	..	916	..
7	6675 p. 6680 p.	50/10 part	Do.	2,730	..	2,047	..
8	6826 p.	137/10 part	Do.	104	..	78	..
9	6830 p. 7199 p.	138/10 part 137/10 part.	Do.	1,105	..	829	..
10	7174 p. 7172 p. 7171 (1) p. 7234 p.	149/10 part 144/10 part. 145/10 part. 146/10 part.	Do.	5,240	..	3,930	..
11	7235 (1) p. 7235 (2) p. 7235 (3) p.	99/10 part 100/10 part. 101/10 part.	Do.	572	..	429	..
12	7242 p. 7236 p. 7237 p. 7250 p. 7249 p.	112/10 part 113/10 part. 114/10 part. 116/10 part. 117/10 part.	Do.	2,349	..	1,762	..
13	7238 p. 7239 p.	111/10 part 112/10 part.	Do.	300	..	225	..
14	7239 p. 7251 p. 7252 p. 7240 p.	110/10 part 111/10 part. 118/10 part. 119/10 part.	Do.	239	..	179	..
15	7252 p. 7254 p. 7255 p.	119/10 part 120/10 part. 121/10 part.	Do.	480	..	360	..
16	7188 p. 7121 (4) p.	150/10 part 155/10 part.	Do.	4,196	..	6,293	..
17	7121 (4) p. 7123, 7124 p.	161/10 part 156/10 part. 155/10 part.	Do.	4,672	..	7,008	..
18	7124 p. 7109 7111 p.	160/10 part 159/10 part. 158/10 part. 161/10 part.	Do.	2,720	..	2,040	..
19	7116 p. to 7120 p.	813/10 part	Do.	4,535	..	3,401	..
20	7118 p.	162/10 part	Do.	565	..	424	..
21	6835 (4) p.	180/10 part	Do.	92	..	69	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
		Matunga Division—contd.					
22	6835 (6) p. 6835 (5) p. 7053 p. 7032 p. 7049 p.	182/10 part 183/10 part. 188/10 part. 189/10 part. 192/10 part.	Lands at Matunga	11,154	..	16,731	..
23	7061 p.	199/10 part	Do.	409	..	614	..
24	7063 p. 7061 (6) p. 7061 (5) p. 7067 p.	169/10 part 170/10 part. 171/10 part. 172/10 part.	Do.	3,401	..	5,101	..
25	7064 p.	292/10 part 10 part.	Do.	170	..	255	..
26	7061 (1) p. 7061 (2) p. 7061 (3) p. 7062 (2) p. 7062 (1) p.	208/10 part 207/10 part. 209/10 part. 210/10 part. 211/10 part.	Do.	2,916	..	4,375	..
27	7373 p. 7374 p.	10/10 part 5/10 part.	Do.	617	..	925	..
28	7384 (4) p.	259/10 part	Do.	344	..	430	..
29	7384 (4) p. 7386 (2) p. 7388 (2) p.	259/10 part 260/10 part. 261/10 part.	Do.	1,708	..	2,136	..
30	7388 (2) p.	261/10 part	Do.	90	..	68	..
31	7393 p. 7397 p.	262/10 part 263/10 part.	Do.	1,850	..	1,387	..
32	7397 p.	263/10 part	Do.	455	..	455	..
33	7694 p.	372/10 part	Do.	37	..	46	..
34	7631 p. 7633 p. 7634 p. 7635 p.	379/10 part 378/10 part. 377/10 part.	Do.	565	..	177	..
35	7924 p. 7702 p. 7828 p.	405/10 part] 13/10 part. 396/10 part. 816/10 part.	Do.	940	..	294	..
36	7827 p. 7826 p. 7825 p. 7796 p.	393/10 part 394/10 part. 395/10 part. 385/10 part. 384/10 part.	Do.	2,180	..	681	..
37	7825 p.	385/10 part	Do.	92	..	92	..
38	7846 p. 7847 p. 7848 p. 7831 p.	389/10 part 390/10 part. 392/10 part. 391/10 part.	Do.	440	..	165	..
39	7798 p. 7779 p.	784/10 part 483/10 part.	Do.	485	..	728	..
40	6958 p. 7416 p. 7417 p. 7422 p. 7423 p. 7424 p.	756/10 part 757/10 part.	Do.	425	..	319	..

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Amount.	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
		Matunga Division—contd.					
41	7410 p. 7411 p. 7016 p. to 7026 p. 7011 p.	755/10 part 754/10 part.	Lands at Matunga	2,291	..	1,718	..
42	7027 p. 7028 p.	754/10 part	Do.	369	..	277	..
43	7034 (1) p. 7035 p. 7034 (2).	753/10 part 752/10 part.	Do.	804	..	2,814	..
44	7031 (1) p. 7031 (2) p. 6836 (1) p.	693/10 part 692/10 part. 691/10 part.	Do.	1,186	..	1,779	..
45	6836 (1) p. 6836 (2) p. 6836 (3) p.	691/10 part 690/10 part. 689/10 part.	Do.	2,572	..	3,858	..
46	7132 p. 7128 p. 7129 p. 7141 (1) p.	615/10 part 614/10 part. 613/10 part.	Do.	2,093	..	1,570	..
47	7168 p.	515/10 part	Do.	260	..	195	..
48	6564 p. 6823 p.	511/10	Do.	924	..	1,385	..
49	6816 p. 6819 (2) p. 6595 p. 6579 p. 6580 p. 6800 p. 6801 p. 6804 p. 6806 p. 6794 p. 6589 p. 6623 (1) p. 6815 p. 6813 p. 6862.	800/10 part 814/10 part. 792/10 part. 792/10 part. 794/10 part of Matunga Division.	Do.	6,125	..	4,594	..
			Total, Lands at Matunga ..	..	86,187	..	90,984

[1]SCHEDULE Y.

(*see section 91A.*)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Area Cadastral Survey.	Total area.	Value. Total amount.	Value. Amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			THE NEPEAN SEA ROAD PLOT. (*Deposited Plan "A".*)				
1	....	2/583 (part of), Malabar Hill Division.	Bounded on the north-east by private property bearing Cadastral Survey No. 584; on the south-east by private property forming portion of this property bearing Cadastral Survey No. 583; on the south-west by private property bearing Cadastral Survey No. 582; and on the north-west by the Foreshore.	2,014	..	..	..
			Total, the Nepean Sea Road Plot	.. ..	2,014	..	..
			THE COLABA RECLAMATION. (*Deposited Plan "B".*)				
2	....	82 to 86 parts of 87, 88, 1/88, 89 and 90, 91 to 97, parts of 98, 99, 100, 101 and 102, 103 to 105, 106 (part of), 107 to 111, 320, 321.	Bounded on the north-west by Cuffe Parade, on the south-west by Panday Road, on the north-east by the Junction of Cuffe Parade and Wodehouse Road; and on the south-east partly by an irregular line beyond which are situate the remaining portions of properties bearing Cadastral Survey Nos. 106, 102, 101, 100, 98, 99, 90, 89, 88, 1/88 and 87, and partly by Wodehouse Road, but excluding the sites of Khatau and Central Roads and of portions of Fazil and Kittridge Roads.	46,580	..	..	..
			Total, the Colaba Reclamation	.. ..	46,580	..	..

[1]SCHEDULE Z.

(*see section 354X.*)

Plot No.	Cadastral Survey No.	Locality.	Description of Plot.	Cadastral Survey Area.	Terms of Lease.
				Sq. yds.	
			(*Deposited Plan "A"*).		
1	707 Fort Division.	The Hornby Road Plot.	Bounded on the North by the John Cannon High School bearing Cadastral Survey No. 796; on the South by Cannon Road; on the East by Murzban Road; and on the West by Esplanade Road.	3,250	Ninety-nine years at a ground rent of one anna per sq. yard per annum, renewable for a further term of 99 years.

[1] This Schedule was inserted by Bom. 13 of 1933, s. 37.

[1]SCHEDULE ZZ.

(See *section 91A.*)

Plot No.	Ward No.	Cadastral Survey No.	Description.	Are Cadastral Survey	Total area.	Value. Total Amount	Value. Total amount.
				Sq. yds.	Sq. yds.	Rs.	Rs.
			DEPOSITED PLAN "B".				
			Body Guard Lines.				
1(*b*) Part 1(*d*-1) Part.	....	3/383 Tardeo Division.	Bounded on the north partly by plot 1 (*d*-1) and partly by plot 1(*b*); on the south by the junction of the 100 feet and 40 feet roads; on the east partly by the 40 feet road and partly by plot 1(*b*): and on the west by the 100 feet road.	30,000	..	..	..
			THE COOPERAGE PLOT				
			(*Deposited Plan* "I".)				
3	....	4, Fort Division	Bounded on the North by the Band Stand Circle; on the South by Wodehouse Road on the East by Cooperage Road and on the West by Queen's Parade Road but excluding 38 square yards bearing Cadastral Survey No. 13 on which stands the statute of the late Mr. Justice Ranade.	58,044	..	..	..
			THE MARINE LINES MAIDAN.				
			(*Deposited Plan* "J".)				
(*b*)	....	709, Fort Division.	Bounded on the North partly by the South Boundary of "Government Plot" bearing Cadastral Survey No. 728-C, reserved for Military purposes by Government Resolution No. 2-C. W., dated 3rd January 1881, and partly by Cadastral Survey No. 725 of the Marine Lines Estate; on the East partly by Mayo road, partly by the land belonging to the Corporation bearing Cadastral Survey No. 728 on the South by Church Gate Street, on the West partly by Marine Lines Road (Marine Street), and partly by Plot No. 4-A (Marine Lines Estate), but excluding the sites of the Gokhale and Montague Statues.	91,196	..	9,11,960	..

1 This Schedule was inserted by Bom. 13 of 1933, s. 37.

[1]SCHEDULE AA.

(See *section 110D.*)

FORM OF DEBENTURE.

THE TRUSTEES FOR THE IMPROVEMENT OF THE CITY OF BOMBAY.

The 19 .

By virtue of the "The City of Bombay Improvement Trust Transfer Act, 1925" we, the Trustees for the Improvement of the City of Bombay, in consideration of the sum of Rupees paid to us by *A. B.* of , promise to pay to the said or order the said sum of Rupees after the date hereof, together with interest at the rate of per centum per annum, payable half yearly on the day of and the day of

Given under our common seal this day of 19 .

Common seal.

(Signature of two members of Committee and the Chief Officer.)

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[1]SCHEDULE BB.

(See *section 123A.*)

Rules regulating the form of accounts relating to improvement schemes, etc., and the manner in which they shall be kept.

1. The corporation shall keep a Capital Account and a General Account. There shall be credited to the Capital Account—

(*a*) all moneys received on account of loans taken by the corporation for the improvement of the city or by the Board of Trustees under the [2]City of Bombay Improvement Act, 1898, or the City of Bombay Improvement Trust Transfer Act, 1925, other than moneys temporarily borrowed in accordance with section 109C; Bom. IV of 1898. Bom. XVI of 1925.

(*b*) the proceeds of the sale or exchange of, or the compensation awarded under the Land Acquisition Act, 1894, for the acquisition by [3][the Provincial Government] of any portion of the lands or buildings vested or vesting in the corporation by reason of the transfer to them of the property of the Board of Trustees constituted under the City of Bombay Improvement Trust Transfer Act, 1925; Bom. XVI of 1925.

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[1] This Schedule was inserted by Bom. 13 of 1933, s. 37.

[2] The City of Bombay Improvement Act, 1898, was repealed by the City of Bombay Improvement Trust Transfer Act, 1925, which in its turn has been repealed by Bom. 13 of 1933.

[3] The words "the Provincial Government" were substituted for the words "Government" by the Adaptation of Indian Laws Order in Council.

(*c*) the proceeds of the sale or exchange of any moveable property of the corporation purchased by debit to the Capital Account;

(*d*) fines or premia levied on granting leases, and sums paid in composition or part composition of rents under leases;

(*e*) any surplus which the General Accounts shall disclose at the end of each financial year;

(*f*) any other sum granted by [1][the Provincial Government] and directed by them to be credited thereto;

(*g*) any other sums which the standing committee, with the previous approval of the corporation, direct to be credited thereto.

2. The moneys credited to the Capital Account shall be held by the corporation in trust and shall be applied to—

(1) meeting the costs of framing and executing schemes in accordance with this Act, including the costs of acquiring lands and the costs of constructing buildings required for carrying out any of the purposes of this Act;

(2) the repayment of all loans credited to the Capital Account;

(3) expenses connected with or arising from the floatation of loans;

(4) making good the deficit, if any, in the General Account, at the end of financial year, provided that the net aggregate amount which may be so debited to the Capital Account shall not exceed 20 per centum on the aggregate capital debt of the corporation in respect of improvement of the city;

(5) advancing any sums necessary for the erection, equipment and maintenance of workshops, including tools and plant and transport equipment required generally for the execution of any scheme under this Act;

(6) advancing loans in accordance with the provisions of section 354W.

3. The scheduled values of the lands specified in Schedules W and X shall be included in the Capital Account both under receipts and expenditure, the scheduled values of the lands resumed in any year being reduced from both sides of the said account in that year.

4. The Capital Account shall show the total expenditure (including a proportionate charge for the cost of management), incurred by the corporation on each scheme separately, and shall also distinguish between the expenditure incurred on—

(*a*) the improvement of lands vested in the corporation and specified in Schedule W;

(*b*) the improvement of lands vested in the corporation and specified in Schedule X;

(*c*) lands referred to in Schedule Y.

5. There shall be credited to the General Account—

(1) all interest on the corporation's investments including loans advanced under section 354W but not interest on securities in which the sinking fund balances are invested;

(2) all rents of lands vested in the corporation;

(3) the net profit at the close of the year, if any, on sales of securities held by the corporation;

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(4) three times the actual net realizations of the corporation in the preceding year under the head of General Tax of payments made in lieu of General Tax (including arrears and payments in advance) divided by the rate fixed for the General Tax for the said financial year;

[1][Provided that as respects the [2][twelve] financial years commencing from the financial year 1942–1943, this clause shall have effect as if for the words 'three times' the word 'twice' were substituted.]

[3](5)* * * * * *

(6) all other receipts of the corporation which are not required to be credited to the Capital Account.

6. (1) The moneys credited to the General Account shall be applied by the corporation in payment of the following charges, namely:—

(*a*) all payments for interest and sinking fund charges due on account of any loan;

(*b*) the amount of the cost of management apportioned to General Account as provided in rule 8;

(*c*) all other sums due by the corporation other than those required to be debited to the Capital Account.

(2) The surplus, if any, remaining at the end of each financial year after making the payments referred to in sub-rule (1), shall be credited to the Capital Account.

(3) On the recommendation of the standing committee, the corporation may advance any sums standing to the credit of the General Revenue Account to meet current Capital Expenditure, and the amount of any sums so advanced shall be adjusted in the accounts of the year in which such sums are advanced.

(4) There shall be debited to the General Account a sum of money equivalent to the sum which would have been payable by the Board of Trustees for the Improvement of the City of Bombay constituted under the [4]City of Bombay Improvement Trust Transfer Act, 1925, if the City of Bombay Municipal (Amendment) Act, 1933, had not been passed, in respect of rates and taxes levied under this Act upon lands and buildings vested or vesting in the corporation by reason of the transfer to the corporation of the powers, duties, assets and liabilities of the said Board of Trustees. Bom. XVI of 1925. Bom. XIII of 1933.

7. The General Account shall distinguish between all items included in the General Account according as such items are in respect of—

(1) lands vested in the corporation and specified in Schedule W;

(2) lands vested in the corporation and specified in Schedule X;

(3) lands situate within the limits specified in Schedule Y;

(4) other lands and buildings vesting in the corporation.

8. The net cost of management including—

(*a*) the salaries and allowances of the Deputy Municipal Commissioner (Improvements), the acting Deputy Municipal Commissioner (Improvements), and the scheduled staff and charges on account of establishment employed on duties transferred to the corporation under the City of Bombay Municipal (Amendment) Act, 1933, or in cases where establishment is partly employed on such duties and partly on others, a share of the cost of such establishment proportionate to the duties so transferred; Bom. XIII of 1933.

(*b*) the expenses in connection with the Land Acquisition Officer;

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[1] This proviso was added by Bom. 3 of 1948, s. 3.

[2] The word "twelve" was substituted for the word "seven" by Bom. 76 of 1948, s. 41.

[3] Clause (5) was deleted by Bom. 21 of 1939, s. 2.

[4] The City of Bombay Imrpvoement Trust Transfer Act, 1925, has been repealed by Bom. 13 of 1933.

(*c*) pensions, gratuities and contributions by the corporation to the Provident Fund;

(*d*) office expenses, cost of audit, expenses of management of debt, losses on investments and other incidental expenses;

shall, in the first instances, be debited to the General Account and shall be apportioned at the close of each financial year between the Capital Account and the General Account in such proportion as the standing committee shall determine.

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[1]SCHEDULE CC.

(See *section 354S.*)

Portions of the Land Acquisition Act, 1894, regulating the acquisition of land for improvement purposes.

Part I—Preliminary, except clauses (*e*) and (*f*) of section 3.

Part II—Acquisition, except sub-section (*1*) of section 4, section 6 and sub-section (*2*) of section 17.

Part III—Reference to Court and Procedure thereon, except sub-section (*2*) of section 23 and clauses (*6*) and (*7*) of section 24.

Part IV—Apportionment of compensation.

Part V—Payment.

Part VI—Temporary occupation of land.

Part VIII—Miscellaneous.

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[1]SCHEDULE DD.

(See *section 354S.*)

Scale of Additional Compensation for compulsory acquisition for improvement purposes.

Amount of compensation awarded	Percentage to be allowed in addition under section 354S.
Not exceeding ten thousand rupees, or, if the amount exceeds ten thousand rupees for the first ten thousand.	Six per cent.
Exceeding ten thousand, but not exceeding fifty thousand, for the amount by which it exceeds ten thousand.	Four per cent.
Exceeding fifty thousand rupees, but not exceeding one lakh, for the amount by which it exceeds fifty thousand.	Three per cent.
Exceeding one lakh, for the amount by which it exceeds one lakh.	Two and a half per cent.

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[2]SCHEDULE EE.

(See *section 136.*)

Duties and Powers of the Municipal Chief Auditor.

1. (1) The municipal chief auditor shall audit the accounts of the corporation as hereinafter provided, with the assistance of the assistant auditors, clerks and servants appointed under section 78B of this Act.

(2) In the discharge of his functions under this article the municipal chief auditor shall—

(*i*) audit the accounts of [3]* expenditure from the revenue of the corporation, [3]* expenditure on account of loan works and [3]* expenditure incurred out of

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[1] This Schedule was inserted by Bom. 13 of 1933, s. 37.

[2] This Schedule was inserted by Bom 2 of 1938, s. 9.

[3] The word "all" was deleted by Bom. 76 of 1948, s. 42.

special funds and shall ascertain whether moneys shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it;

(*ii*) audit the accounts of [1]* debt, deposit, sinking funds, advances, suspense and remittance transactions of the corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(3) The municipal chief auditor shall examine and audit the statements of accounts relating to the commercial services conducted in any department of the corporation, including the trading, manufacturing and profit and loss accounts, and the balance sheets where such accounts are maintained under the orders of the [2][corporation, the standing committee or the Bombay Electric Supply and Transport Committee,] and shall certify and report upon these accounts.

(4) The municipal chief auditor shall, in consultation with the standing committee, and subject to any directions given by the corporation, determine the form and manner in which his reports on the accounts of the corporation shall be prepared and shall have authority to call upon any officer of the corporation to provide any information necessary for the preparation of these reports.

2. (1) The municipal chief auditor may make such queries and observations in relation to any of the accounts of the corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such query or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the chief auditor.

(3) The powers of the municipal chief auditor with regard to disapproval of, and the procedure with regard to settlement of objections to expenditure from the revenues of the corporation shall be such as may be prescribed by rules or orders made by the standing committee in consultation with the chief auditor and sanctioned by the corporation [3][in the case of expenditure debited to the municipal fund and by the Bombay Electric Supply and Transport Committee in the case of expenditure debited to the Bombay Electric Supply and Transport Fund.]

3. If the municipal chief auditor considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the offices in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection.

4. The municipal chief auditor shall have power to require that any books or other documents relating to the accounts he is required to audit shall be sent for inspection by him:

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

5. The municipal chief auditor shall have authority to frame rules and to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

6. Sanctions to expenditure accorded by the municipal chief auditor shall be audited by an officer to be nominated by the corporation.

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[1] The word "all" was deleted by Bom. 76 of 1948, s. 42.
[2] These words were substituted for the original by Bom. 48 of 1948, s. 60.
[3] These words were added, *ibid.*

THE GUJARĀT TALUQDĀRS' ACT, 1888.

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BOMBAY ACT No. VI OF 1888.[1]

[THE GUJARAT TALUQDARS' ACT, 1888.]

[*25th March, 1889.*]

Repealed in part by Act 16 of 1895.
Repealed in part and amended, by Bom. 4 of 1913.
Amended by Bom. 2 of 1905.
Amended by Bom. 1 of 1910.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide for the Revenue Administration of Estates held by certain superior landholders in the districts of Ahmedabad, Kaira, Broach and the Panch Mahals, and to limit the further operation of Bombay Act VI of 1862.

WHEREAS it is expedient to remove doubts as to the applicability of certain portions of the Bombay Land Revenue Code, 1879, to estates held by certain superior landholders in the districts of Ahmedabad, Kaira, Broach and the Panch Mahals, and to make special provision for the revenue administration of the said estates and for the partition thereof; It is enacted as follows :— Bom. V of 1879.

PART I.

PRELIMINARY.

1. (*1*) This Act may be cited as the Gujarát Táluqdárs' Act, 1888. Short title.

(*2*) It extends only to the districts of Ahmedabad, Kaira, Broach and the Panch Mahals.

2. (*1*) In this Act, unless there be something repugnant in the subject or context,— Definitions.

(*a*) "táluqdár" includes a thákur, mehwàssi, kásbàti and naik [2][and a mulgameti who holds land directly from [3][the Crown]];

(*b*) "registered táluqdár" means a sole táluqdár, or the eldest or principal of several co-sharers of a táluqdári estate, whose name is authorizedly entered in the Government records as holding such estates, or as the representative of the several co-sharers holding the same;

(*c*) "jamá" means land-revenue payable by a táluqdár to [4][the Provincial Government];

(*d*) "alienation" means a transfer of ownership, and "alienee" means a person to whom ownership is transferred;

(*e*) "incumbrance" includes a mortgage, charge, usufructuary grant and any interest other than that of an ordinary tenant or of an alienee or táluqdár, and "incumbrancer" means a person in whom an incumbrance vests;

(*f*) any word or expression which is defined in the Bombay Land Revenue Code, 1879, and is not hereinbefore defined, shall be deemed to have the meaning given to it by that Code. Expressions defined in the Bombay Land Revenue Code. Bom. V of 1879.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1885, Pt. V, p. 65; for Report of Select Committee, *see ibid.*, 1888, p. 337; and for Proceedings in Council *see ibid.*, 1886, p. 85, and *ibid.*, 1888, pp. 374 and 385.

[2] These words were added by s. 2 (*1*) of the Gujarat Táluqdárs (Amendment) Act, 1905 (Bom. 2 of 1905), and the amendment is to be deemed to have come into force on the 25th March 1889: *ibid.*, s. 2 (*2*), but *see* footnote to s. 31, *infra*.

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

Meaning of "taluqdar" in Part II.

(2) In Part II, unless there be something repugnant in the subject or context, "taluqdar" includes any class of holders of unalienated estates, upon which the land-revenue is fixed by a lump assessment, to whom the [1][Provincial Government] deems fit from time to time, by notification in the [2][*Official Gazette*], to extend the provisions of the said part.

3. [*Repeal of part of s. 114, Bombay Act V of 1879.*] *Rep. Act XVI of 1895.*

PART II.

SURVEY AND SETTLEMENT.

Revenue Survey.

Provincial Government may direct survey of a taluqdari estate.

4. It shall be lawful for the [1][Provincial Government], whenever it may seem expedient, to direct a revenue-survey or a revised revenue-survey of any taluqdari estate, under the provisions of the Bombay Land Revenue Code, 1879, applicable to such surveys. Bom. V of 1879.

Settlement Register.

Settlement register of a taluqdari estate what to contain.

5. The settlement register prepared by the Survey-officer under section 108 of the said Code on the occasion of making any such survey shall, unless [3][the Provincial Government] otherwise direct, contain, in lieu of the particulars specified in the said section, the following particulars (namely) :—

(*a*) the area and assessment of each survey-number ;

(*b*) the name of the registered taluqdar, and, if there are co-sharers, the name of each co-sharer and the extent of each one's interest in the estate ;

(*c*) if the estate is undivided,—

(*i*) the manner in which the profits derived from sources common to the co-sharers are to be distributed amongst them ;

(*ii*) the share to be contributed by each co-sharer of the jama, of police charges, of the cost of erecting and maintaining boundary-marks, and of any other charge to which under any law for the time being in force the co-sharers are liable in common ;

(*iii*) the manner in which the co-sharers are to collect from the tenants ;

(*d*) if a partitition of the estate has been effected and the co-sharers hold their respective shares in severalty—

(*i*) the extent and limits of each separate share ;

(*ii*) the same particulars in respect of the several sub-sharers, if any, of each such share, as are required to be given concerning all the co-sharers when an estate is undivided ;

(*e*) the name and description and the nature and extent of the interest of every alienee and of every incumbrancer of the estate or any portion thereof, together with a specification of—

(*i*) the aggregate area over which such interest extends ;

(*ii*) the amount and nature of rent, or land-revenue, if any, payable or receivable by each alienee and incumbrancer ;

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

(*iii*) the basis of such interest, whether grant, contract, custom or other ;

(*iv*) the conditions of service or other conditions on which such interest depends ;

(*v*) any other particulars which [1][the Provincial Government] shall from time to time direct.

Determination of Disputes.

Disputes concerning matters which have to be recorded under section 5 to be determined by Survey-officer.

6. (*1*) If it appears to the Survey-officer who frames the said register that there exists any dispute as to any matter which he is bound under this Act to record therein, he may, either on the application of any of the disputant parties, or of his own motion, investigate and determine such dispute and frame the register accordingly.

(*2*) Provided that, when any such dispute shall appear to the Survey-officer to have been already finally decided by a court of competent jurisdiction, the entry in the said register shall be made in conformity with such decision.

Custody and Amendment of Records.

Settlement records by whom to be kept; and to be from time to time corrected.

7. (*1*) When the survey-settlement of a taluqdari estate is completed, the said register and the other records thereof shall be kept by the Collector, and every registered taluqdar shall be entitled to receive one copy of the register free of any charge except the cost of copying.

(*2*) So long as the said register and other records are in the charge of the Survey-officer, the said officer, and afterwards the Collector, shall cause to be entered therein all changes that occur, and everything that affects any of the rights or interests therein recorded ; and shall at any time correct or cause to be corrected any clerical error therein and also any other error which all the parties interested admit to have been made in the same.

Bar of suits against the Crown, etc., to set aside decisions under section 6 or 7 ; but effect to be given to decrees obtained by parties *inter se*.

8. (*1*) No suit shall lie against [2][the Crown] or against any officer of [2][the Crown] to set aside any decision or order of a Survey-officer or of a Collector under section 6 or 7.

(*2*) But the said register and other records shall from time to time be amended by the Survey-officer, or, when the survey-settlement is completed by the Collector, in accordance with any final decree of a court of competent jurisdiction which the parties may obtain *inter se* on an application accompanied by a certified copy of such decree, being duly made to the Survey-officer or Collector for that purpose.

(*3*) In any suit in a civil court between the parties or persons claiming under them, a decision or order of a Survey-officer or Collector under section 6 or 7 shall not be held to be conclusive as to any matter therein decided.

Changes in records to be communicated to parties affected thereby.

9. Every change in the said register and other records shall be communicated without delay by the officer making it to each of the parties affected thereby.

PART III.

PARTITION.

Persons entitled to partition.

10. (*1*) Every person who has obtained a final decree of a court of competent jurisdiction declaring him to be entitled to a share of a taluqdari estate and every co-sharer whose name is recorded, as such, in the settlement register prepared in

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Crown" were substituted for the word "Government", *ibid.*

accordance with section 5 and pending the preparation of the said register, every person whose title to any such share as aforesaid is not disputed by any other person claiming a share in the same estate, shall be entitled to have his share divided from the rest of the estate and to hold the same as a separate estate.

(*2*) Any two or more such co-sharers or persons shall be entitled to have their shares divided from the rest of the estate and to hold the same jointly as a separate estate.

Applications for partition to whom to be made.

11. Applications for partitions shall be made to the Taluqdari Settlement-officer or to such other officer as the [1][Provincial Government] appoints in this behalf.

Notification of application.

12. (*1*) The Taluqdari Settlement-officer, or other officer aforesaid, on receiving an application for partition, shall, if the application be not open to objection on the face of it, publish a notification of the same in the office of the Mamlatdar of the Taluka and at some conspicuous place in the village in which the estate to which the application relates is situate or in each of the villages comprised in the said estate, as the case may be.

Notice to co-sharers not joining in the application.

(*2*) He shall also serve a notice on each of the known co-sharers who has not joined in the application, requiring any of them who objects to the partition to appear before him to state his objection either in person or by a duly authorised agent, on a day to be specified in the notice, not less than thirty or more than sixty days from the date on which such notice is issued.

Procedure where notice cannot be personally served on co-sharer.

13. Where, from any cause, notice cannot be personally served on any co-sharer, the Taluqdari Settlement-officer or other officer aforesaid shall order the same to be served by affixing a copy thereof upon some conspicuous part of the house, if any, in which such co-sharer is known to have last resided, or in such other manner as the Taluqdari Settlement-officer or other officer aforesaid thinks fit.

Power to refuse partition when objection is admitted.

14. If, on or before the day specified, any objection is made to the partition by any sharer, and the Taluqdari Settlement-officer or other officer aforesaid, on a consideration of such objection, is of opinion that there is any good and sufficient reason why the partition should be disallowed, he may refuse the application, recording the grounds of his refusal.

Procedure if question of title is raised.

15. (*1*) If the objection raises any question as to the right of the applicant to partition or any other question of title which has not been already determined by a court of competent jurisdiction, the Taluqdari Settlement-officer or other officer aforesaid may either decline to grant the application until the question in dispute has been determined by a competent court, or, if no suit is at the time pending in any such court in which the question is likely to be determined, may proceed to inquire into the merits of the objection.

Decision when and how to be made by Taluqdari Settlement-officer or officer appointed by Provincial Government.

(*2*) In the latter case, the Taluqdari Settlement-officer or other officer aforesaid, after making the necessary inquiry and taking such evidence as may be adduced, shall pass a decision declaring the nature and extent of the interests of the party or parties applying for the partition and of the other co-sharers of the estates, if any, and directing by whom and in what proportion the costs of the inquiry and of the partition (which shall be recoverable as an arrear of land-revenue) are to be paid.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

(*3*) The procedure to be observed by the Taluqdari Settlement-officer or other officer aforesaid in any such inquiry shall be that laid down by the [1]Code of Civil Procedure, 1882, for the trial of original suits, and the provisions of Chapter XLVII of that Code, in so far as they apply to a review of judgment in an original suit shall be applicable to the decision of the Taluqdari Settlement-officer or other officer aforesaid. The Taluqdari Settlement-officer or other officer aforesaid may, with the consent of the parties, refer any question arising in such inquiry to arbitration, and the provisions of the same Code relative to arbitrators shall apply to such references. XIV of 1882. Procedure previous to decision.

16. (*1*) An appeal shall lie from any decision, or from any part of a decision, passed under the last preceding section by the Taluqdari Settlement-officer or other officer aforesaid, to the District Court, as if such decision were a decree of a court from whose decisions the District Court is authorized to hear appeals. District Court may hear appeal from Taluqdari Settlement-officer's or other officer's decision and may stay partition.

(*2*) Upon such appeal being made, the District Court may issue a precept to the Taluqdari Settlement-officer or other officer aforesaid, requiring him to stay the partition pending the decision of the appeal.

17. (*1*) When it has been decided to make a partition, the Taluqdari Settlement-officer or other officer aforesaid shall give the parties the option of making the partition themselves; in the event of their not agreeing or of their failing to make the partition, within a period prescribed by the Taluqdari Settlement-officer or the officer aforesaid in this behalf, the Taluqdari Settlement-officer or other officer aforesaid shall either make it himself or, if he thinks fit, shall entrust it to arbitrators appointed for this purpose by the parties. Partition how to be effected.

(*2*) In making the partition, the Taluqdari Settlement-officer or other officer aforesaid and any person acting under his orders shall have the same powers to enter on the estate under partition, for marking out the boundaries, surveying the land and other purposes as are conferred on Survey-officers by the Bombay Land Revenue Code, 1879. Bom. V of 1879.

18. (*1*) When the partition is completed the Taluqdari Settlement-officer or other officer aforesaid shall make an order confirming it. When partition is complete, order to be made confirming it.

(*2*) On making such order the Taluqdari Settlement-officer or other officer aforesaid shall publish a notification of the fact in the office of the Mamlatdar of the taluka and at some conspicuous place in the village in which the estate which has been divided is situate, or in each of the villages comprised in the said estate, as the case may be; and the partition shall take effect on and from the first day of June next after the date of such notification, or such other date next after the date of such notification between the first day of June and the first day of October as the Taluqdari Settlement-officer or other officer aforesaid, having regard to the usual season of cultivation in the said estate, shall fix in this behalf. Notification of order. Partition when to take effect.

19. (*1*) If necessary the Taluqdari Settlement-officer or other officer aforesaid may, at any time after the date aforesaid, order delivery of the share, or any portion of the share, allotted to any co-sharer to be made to him in the manner in which delivery of the same might be ordered by a civil court, under the [1]Code of Civil Procedure, 1882, in execution of a decree. XIV of 1882. Delivery of possession.

[1] *See* New Act 5 of 1908.

Resistance or obstruction how to be dealt with.

(2) If, in executing the order of the Taluqdari Settlement-officer or other officer aforesaid, the officer charged with the execution thereof is resisted or obstructed by any person, or if a co-sharer is resisted or obstructed in obtaining possession of the share or of any portion of the share allotted to him, the Taluqdari Settlement-officer or other officer aforesaid shall proceed in the manner in which, by section 202 of the Bombay Land Revenue Code, 1879, a Collector is authorized to proceed for the purpose of inquiring into the reasonableness of any resistance or obstruction to the execution of an order made under that section and of preventing the continuance thereof. Bom. V of 1879.

Appeals against order confirming partition to the Commissioner.

20. An appeal against the decision of the Taluqdari Settlement-officer or other officer aforesaid confirming a partition shall lie to the Commissioner within one year from the date of the order confirming such partition.

Civil courts barred from entertaining suits or applications for partition.

21. No civil court shall entertain any suit or application for partition of taluqdari estate: provided that nothing in this section shall be deemed to affect the jurisdiction of Her Majesty's High Court of Judicature at Bombay.

PART IV.

REVENUE ADMINISTRATION.

Taluqdar's Jama.

Taluqdar's jama how to be calculated.

22. (1) If a taluqdar's estate, or any portion thereof, is not wholly or partially exempt from land-revenue and its liability to payment of land-revenue is not subject to special conditions or restrictions, the jama payable to [1][the Provincial Government] in respect of such estate or portion thereof shall, if a survey-settlement has been extended thereto, be the aggregate of the survey-assessments of the lands composing such estate or such portion thereof, minus such deduction, if any, as [1][the Provincial Government] shall in each case direct.

(2) The [2][Provincial Government] may declare the amount of jama so ascertained fixed for any term not exceeding thirty years.

Saving of existing agreements and settlements as to amount of jama.

23. (1) Nothing in this Act shall be deemed to affect the validity of any agreement heretofore entered into by or with a taluqdar and still in force as to the amount of his jama nor of any settlement of the amount of jama made by or under the orders of [1][the Provincial Government] for a term of years and still in force.

(2) Every such agreement and settlement shall have effect as if this Act had not been passed.

Responsibility for jama.

24. (1) The registered taluqdar shall be primarily responsible to [1][the Provincial Government] for the jama of his village, and, if there are sharers, all the co-sharers shall be jointly and severally responsible therefor.

Liability of other persons if taluqdar makes default.

(2) If the registered taluqdar fails to pay the jama according to the rules legally prescribed in that behalf, it may be recovered from his co-sharers, if any

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government" by the *ibid.*

or to the extent to which it is due in respect of the holding of any mortgagee in possession, inferior holder or person in actual occupation of the estate or of any portion thereof, from such mortgagee in possession, inferior holder or person.

Credit to be allowed for recoveries made from other persons.

(*3*) When jama is recovered from any such co-sharer, mortgagee in possession, inferior holder or other person, he shall be allowed credit for all payments which he may have made to the taluqdar at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the taluqdar for the amount recovered from him.

Distribution of jama in case of partition.

25. (*1*) When a partition has taken place and a taluqdari estate is held in severalty, the jama payable in respect of each separate portion into which the same has been divided shall be determined by the Collector, and thereupon each such portion shall, for the purposes of the last preceding section, be deemed to be a distinct estate.

(*2*) Provided that the aggregate jama payable in respect of the several portions into which the estate has been divided shall not exceed the jama which would be leviable from the entire estate if still undivided.

Management of taluqdar's estates by Provincial Government officers.

Management of taluqdari estate may be assumed by Collector in certain contingencies.

26. (*1*) If owing to disputes among the sharers in any taluqdari estate, or for other cause, the [1][Provincial Government] shall deem that there is reason to apprehend danger to the peace of the country or injury to the well-being of the inferior holders, [2][it] may direct the Collector to cause such estate to be attached and taken under the management of himself or any agent whom he appoints for this purpose; and, on the application of any registered taluqdar or co-sharer, the Collector shall furnish him with a copy of the reasons on which the orders of [3][the Provincial Government] were passed.

(*2*) When any estate is so attached and taken under management, the sharers, or any one or more of the sharers therein, may at any time apply to the District Magistrate to restore the management thereof; and, if the applicants shall prove to the satisfaction of the District Magistrate that no reason for any such apprehension as aforesaid any longer exists, the District Magistrate may order restoration of the management to be made to the taluqdar.

Power to take up management of estate pending partition.

27. (*1*) With the sanction of the Commissioner, the Taluqdari Settlement-officer or other officer [4]appointed by [3][the Provincial Government] may hold the estate in which partition is being effected under his own management, pending the completion of the partition.

(*2*) Provided that, before applying to the Commissioner for sanction under this section, the Taluqdari Settlement-officer or other officer aforesaid shall give to the parties reasonable notice of his intention so to do, and shall forward, with his application, for the Commissioner's consideration, any written statement of objection thereto which any of the parties shall present to him for this purpose.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "he", *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[4] For notification appointing the Collector of the Panch Mahals to exercise powers under the section, *see* Bombay Local Rules and Orders.

Power to take up management of estate at taluqdar's request.

28. [1][(*1*)] With the sanction of [2][the Provincial Government], the Taluqdari Settlement-officer or any other officer [3]appointed by [2][the Provincial Government] for this purpose may, upon the written application of a taluqdar in this behalf, take charge of such taluqdar's estate and keep the same under his management for such period as may be agreed upon.

[4][(*1A*) Any co-sharer of a taluqdar estate, other than a co-sharer in a family undivided according to Hindu law, may make an application under sub-section (*1*) in respect of his own share in such estate.]

[1][(*2*) [5][In every case where a taluqdari estate is held by co-sharers in a family undivided according to Hindu law or otherwise] an application signed by co-sharers holding an aggregate interest of not less than three-fourths of the whole estate shall, for the purposes of sub-section (*1*), be deemed to be an application by a taluqdar in respect of [6][the whole estate]; provided, *firstly*, that no sanction shall be given [7][on any such application] under sub-section (*1*) where it appears to the [8][Provincial Government] doubtful whether the aggregate interest of the co-sharers signing [9][the] application amounts to three-fourths of the whole estate; and provided, *secondly*, that nothing in this Act shall be deemed to prevent any co-sharer other than those signing any such application from obtaining partition of his share.]

Applicability of section 160 of Bombay Act V of 1879 when an estate is taken under management by a Government officer.

29. (*1*) When any taluqdari estate is taken under management by Government officers under any of the three last preceding sections, the provisions of section 160 of the Bombay Land Revenue Code, 1879, shall be applicable thereto. Bom. V of 1879.

(*2*) Provided that no [10][transfer] or agreement entered into by a Government officer managing an estate under section 26, in respect of any land in such estate, shall be for a period exceeding five years from the date thereof, and that no such [10][transfer] or agreement by a Government officer managing an estate under section 27 shall have effect beyond the end of the revenue-year in which such officer's management determines, unless the same is ratified by the co-sharer to whose share the said land is finally allotted when the partition of the estate is completed.

Disposal of surplus receipts.

(*3*) All surplus receipts, if any, which accrue during such management, after defraying the costs of the management, including the payment of the current land-revenue and of all arrears thereof, and the cost of the extension to the estate of

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[1] S. 28 was re-numbered as sub-section (*1*), by s. 3 (*1*) of the Gujarat Taluqdars (Amendment) Act, 1905 (Bom. 2 of 1905), and sub-section (*2*) and the provisos were substituted for the concluding words and proviso of s. 28 by s. 3 (*2*) of the same Act.

These words and the proviso were as follows :—

"between the Taluqdar and the Taluqdari Settlement-officer or other officer as aforesaid: Provided that no such application shall be entertained in respect of an undivided share of a Taluqdari estate nor, except with the consent of all the co-sharers, in respect of an estate which is held by co-sharers".

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] For notification appointing the Collector of the Panch Mahals to exercise powers under the section, *see* Bombay Local Rules and Orders.

[4] This sub-section was inserted by s. 2 and First Schedule of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[5] These words were substituted for the words "Where a taluqdari estate is held by co-sharers in undivided shares" by s. 2 and First Schedule of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[6] These words were substituted for the words "such estate", *ibid.*

[7] These words were inserted, *ibid.*

[8] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[9] This word was substituted for the words "any such" by s. 2 and First Schedule of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[10] This word was substituted for the words "sale of occupancy rights" by s. 93 of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

a revenue-survey, if the [1][Provincial Government] directs, or has before directed, the extension of a revenue-survey thereto under section 4, shall be divided amongst the co-sharers in proportion to their respective shares, at such periods as the Taluqdari Settlement-officer or other officer aforesaid shall see fit.

Disabilities of a taluqdar whose estate is taken under management.

[2][**29A.** (*1*) Except with the approval of the managing officer, a taluqdar whose estate is taken under management by Government officers under section 26 or 28 shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof, or to enter into any contract which may involve him in pecuniary liability; and no suit shall be brought in any civil court whereby to charge any such taluqdar upon any promise made after the determination of such management to pay any debt contracted during the period of such management, or upon any ratification, made after such determination, of any promise or contract made during the period aforesaid, whether there is or is not any new consideration for such promise or ratification.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect the capacity of any such taluqdar to enter into a contract of marriage:

Provided that no such taluqdar shall incur, in connection with such a contract, any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the managing officer may, in writing, declare to be reasonable.

Power to continue management after death, in case of disputed succession, and where property still incumbered.

(*3*) On the death of any such taluqdar,—

(*a*) where the succession to his property or any part thereof is disputed the managing officer may, with the sanction of the [1][Provincial Government], either retain the superintendence of the property until one of the claimants has established his claim to the same in a competent civil court, or institute a suit of interpleader against all the claimants; and

(*b*) where his property is still incumbered with debts and liabilities, the managing officer may, with the sanction of the [1][Provincial Government], retain the said property under his superintendence until such debts and liabilities have been discharged.]

Ascertainment and liquidation of liabilities of taluqdars whose estates are taken under management.

Publication of notice to claimants against taluqdar whose estate is taken under management.

[3][**29B.** (*1*) Where any taluqdari estate has been taken under management by *Government Officers* under section 26 or 28, the managing officer may publish in the [4][*Official Gazette*], and in such other manner as the [1][Provincial Government] may by general or special order direct, a notice, in English and also in the vernacular, calling upon all persons having claims against such taluqdar or his property, to submit the same in writing to him within six months from the date of the publication of the notice.

(*2*) Where the managing officer is satisfied that any claimant was unable to comply with the notice published under sub-section (*1*), he may allow his claim to be submitted at any time after the date of the expiry of the period fixed therein;

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This section was inserted by s. 4 of the Gujarat Taluqdars' (Amendment) Act, 1905 (Bom. 2 of 1905).

[3] Section 29B was inserted by s. 4 of the Gujarat Taluqdars' (Amendment) Act, 1905 (Bom. 2 of 1905).

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

but any such claim shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the date of the expiry of such period until submission.

(*3*) Every claim against such taluqdar or his property (other than a claim on the part of [1][the Provincial Government] not submitted to the managing officer in compliance with the notice published under sub-section (*1*) or allowed to be submitted under sub-section (*2*), shall, save in the cases provided for by section 29F, sub-section (*2*), clause (*c*), and by sections 7 and 13 of the [2]Indian Limitation Act, 1877, be deemed for all purposes and on all occasions, whether during the continuance of the management or afterwards, to have been duly discharged, unless in any suit or proceeding instituted by the claimant, or by any person claiming under him, in respect of any such claim, it is proved to the satisfaction of the Court that he was unable to comply with the notice published under sub-section (*1*).] XV of 1877.

Claimants to furnish full particulars and documents.

[3][**29C.** (*1*) The managing officer may by written order require that any claimant submitting his claim in compliance with the notice published under section 29B, sub-section (*1*), shall, within such reasonable time as he may prescribe in such order, furnish full particulars thereof, and produce all documents (including entries in books of account) on which he relies to support his claim, together with a true copy of every such document :

Provided that, where the claim relates to an amount secured by a decree or award, it shall be sufficient for the claimant to produce before the managing officer a certified copy of the decree and a certificate from the court which passed or is executing the same declaring the amount recoverable thereunder, or a true copy of the award and a statement of the sum recoverable thereunder, as the case may be ; and, where the claim is pending adjudication in any court or has been referred to arbitration, it shall be sufficient for the claimant to produce a certified copy, of the plaint or a true copy of the reference to arbitration, as the case may be.

(*2*) The managing officer shall, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the claimant.

(*3*) Where any document, which is in the possession or under the control of a claimant, is not produced by him in accordance with an order under sub-section (*1*), the document shall not be admissible in evidence against the taluqdar whose estate is taken under management, whether during the continuance of the management or afterwards, in any suit brought by such claimant or by any person claiming under him, in respect of any claim to which such document relates, unless it is proved to the satisfaction of the court that it was not within his power to produce such document as required by such order.]

Investigation and decision of claims.

[3][**29D.** (*1*) On receipt of all claims submitted in compliance with the provisions of sections 29B and 29C, the managing officer shall proceed to investigate such claims and shall decide, subject to the provisions of sub-section (*3*), which of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate his decision in writing to each claimant concerned.

(*2*) Where the managing officer has admitted any claim under sub-section (*1*), he may make to the claimant a proposal in writing for the reduction of the claim. or of the rate of interest to paid in future or of both ; and if such proposal, or any

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of India Laws Order in Council.

[2] *See* now the Indian Limitation Act, 1908 (9 of 1908), Central Acts.

[3] Sections 29C and 29D were inserted by s. 4 of the Gujarat Taluqdars' (Amendment) Act, 1905 (Bom. 2 of 1905).

modification of it, is accepted by the claimant, and his acceptance is finally recorded and attested by the managing officer or by any Revenue-officer not below the rank of an Assistant or Deputy Collector whom the [1][Provincial Government] may, by general or special order, appoint in this behalf, it shall be conclusively binding upon the claimant :

Provided that if, when the management is withdrawn, any portion of the claim reduced as aforesaid is still unsatisfied, the claimant shall be entitled to recover a sum bearing the same proportoin to the original claim admitted under sub-section (*1*), as the unsatisfied portion bears to the reduced claim.

(*3*) Subject to the provisions of sub-section (*2*), nothing in this section shall be construed to bar the institution of a suit in a civil court for the recovery of a claim, against a taluqdar whose estate is taken under management or his property, which has been duly submitted to the managing officer :

Provided that no decision of the managing officer under this section shall be proved in any such suit as against the defendant.]

Management of taluqdar's estates by Government officers.

[2][**29E.** (*1*) On the publication of a notice under section 29B, sub-section (*1*), no proceeding in execution of any decree against the taluqdar whose estate is taken under management or his property shall be instituted or continued until the decree-holder files a certificate from the managing officer that the decree-claim has been duly submitted, or until the expiration of one month from the date of receipt by the managing officer of a written application for such certificate, accompanied by a certified copy of the decree. Execution of decrees to be stayed till certificate filed.

(*2*) Any person holding a decree against such taluqdar or his property shall be entitled to receive from the managing officer, free of cost, the certificate required by sub-section (*1*).

(*3*) In computing the period of limitation prescribed by the [3]Indian Limitation Act, 1877, or by section 230 of the [4]Code of Civil Procedure for any application for the execution of a decree, proceedings in which have been stayed or temporarily barred by reason of the claim not having been duly submitted, the time from the date of the notice published under section 29B, sub-section (*1*), or of the decree if it was passed subsequently to the publication of the notice, to the date of due submission shall be excluded.]

XV of 1877.
XIV of 1882.

[2][**29F.** (*1*) When all claims have been investigated under section 29D, the managing officer shall submit to the [1][Provincial Government] a schedule of the debts and liabilities of the taluqdar whose estate is taken under management, and the [1][Provincial Government] may where the property appears to be involved beyond all hope of extrication, or for any other sufficient reason, by order published in the [5][*Official Gazette*] direct that, on a date to be fixed by the order, the management of such estate shall be withdrawn. Report to Provincial Government.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] Section 29E and 29F were inserted by s. 4 of the Gujarat Taluqdars' (Amendment) Act, 1905 (Bom. 2 of 1905).

[3] *See* now the Indian Limitation Act, 1908 (Act 9 of 1908), Central Acts.

[4] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908).

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

(*2*) On the date so fixed—

(*a*) the management shall terminate ;

(*b*) the owner of such estate shall be restored to the possession thereof, subject to any contracts entered into by the managing officer for the preservation or benefit thereof ; and

(*c*) the claims referred to in section 29B, sub-section (*3*), shall revive.

(*3*) In calculating the periods of limitation applicable to suits to recover and enforce claims revived under sub-section (*2*), clause (*c*), the time during which the management has continued shall be excluded.]

Application of provisions of the Bombay Court of Wards Act, 1905.

Application of the Bombay Court of Wards Act, 1905, when Taluqdari Settlement officer appointed to be a Court of Wards.

[1][**29G.** On the issue of a notification under clause (*c*) of the proviso to section 3 of the Bombay Court of Wards Act, 1905, appointing the Taluqdari Settlement-officer to be a Court of Wards for the whole or any part of the area to which this Act extends, the provisions of the said Bombay Court of Wards Act, 1905, shall, without prejudice to, and save so far as they may be inconsistent with, anything contained in this Act, be deemed to apply to, or in respect of, any estate, which may thereafter be taken under the management of the said Taluqdari Settlement-officer under section 26 or 28, as if it were an estate under his superintendence as such Court of Wards, and the taluqdar whose estate is taken under management a Government ward within the meaning of that Act.] Bom. I of 1905. Bom. I of 1905.

Police-officers and establishment.

Provincial Government to fix the number and remuneration of police.

30. (*1*) The [2][Provincial Government] may from time to time determine—

(*a*) what Police-officers and establishment are requisite in each village in a taluqdari estate ;

(*b*) by whom and under what conditions the Police-officers and establishment shall be appointed, punished and dismissed ;

(*c*) what remuneration shall be paid to each Police-officer and member of the police-establishment.

Police charges how recoverable.

(*2*) Charges on account of police shall be defrayed by the taluqdar at such times as shall from time to time be determined by [3][the Provincial Government], and in the event of failure by the taluqdar to pay, at the time when the same becomes due, any sum so payable, the said sum shall be recoverable from him, in addition to the jama as if the same were a part of the jama.

(*3*) If a partition has taken place and the estate is held in severalty, the said charges shall be payable by, and recoverable from, the holders of the various portions into which the estate has been divided in proportion to their respective shares in the estate.

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[1] Section 29G was inserted by s. 4 of the Gujarat Taluqdars' (Amendmend) Act, 1905 (Bom. 2 of 1905).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

PART V.

MISCELLANEOUS.

Bar of incumbrances on a taluqdar's estates beyond taluqdar's own life, except with consent of the Taluqdari Settlement officer;

[1]**31.** (*1*) No incumbrance on a taluqdar's estate, or on any portion thereof, made by the taluqdar after this Act comes into force, shall be valid as to any time beyond such taluqdar's natural life unless such incumbrance is made with the previous written consent of the Taluqdari Settlement-officer, or of some other officer, appointed by the [2][Provincial Government] in this behalf [3][and after the death of a taluqdar no proceeding for the attachment, sale or delivery of, or any other process affecting the possession or ownership of, a taludari estate, or any portion thereof, in execution of any decree obtained against such taluqdar or his legal representative, except a decree obtained in respect of an incumbrance made with such consent as aforesaid, or made before this Act comes into force, shall be instituted or continued except with the like consent].

and of all alienations except with consent of Provincial Government.

(*2*) No alienation of a taluqdar's estate or of any portion thereof, or of any share or interest therein, made after this Act comes into force, shall be valid, unless such alienation is made with the previous sanction of the [2][Provincial Government], which sanction shall not be given except upon the condition that the entire responsibility for the portion of the jama and of the village expenses and police-charges due in respect of the alienated area shall thenceforward vest in the alienee and not in the taluqdar.

Saving of rights of the Crown under section 3 of Bombay Act VII of 1863.

32. (*1*) No consent or sanction given under the last preceding section shall be deemed to affect any right of [4][the Crown] under section 3 of Bombay Act VII of 1863 (*an Act for the Summary Settlement of claims to exemption from the payment of Government land-revenue and for regulating the terms upon which such exemption shall be recognized in future, in those parts of the Bombay Presidency which are not subject to the operation of Act XI of 1852 of the Council of India*).

Saving of sections 28 and 24 of Act XXI of 1881.

(*2*) And nothing in the last preceding section shall apply to the property of any thakur to which section 28 of the Broach and Kaira Encumbered Estates Act, 1881, is applicable, or be deemed to affect the power of the manager of any thakur's immovable property under section 24 of the said Act.

XXI of 1881.

Applicability of the Bombay Land Revenue Code to taluqdars' estates.

Bom. V of 1879.

33. [5][(*1*) Nothing in sections 38 to 40, both inclusive, 44,60 to 67, both inclusive, 76, 82, 85, 116, 117A, 127 to 134, both inclusive, 136, 163, 216 and 217 of the Bombay Land Revenue Code, 1879, shall be deemed to apply to any estate to which this Act extends.]

(*2*) The provisions of the said Code when applied to any such estate shall be subject to the following modifications (namely):—

(*a*) in section 3, clause (*1*), the words "the Taluqdari Settlement-officer and every officer appointed by the [2][Provincial Government], to exercise any power or perform any duty under the Gujarat Taluqdars' Act, 1888, and" shall be inserted after the word "means";

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[1] Nothing in s. 31 shall be deemed to apply to any incumbrance or alienation made before the passing of the Gujarat Taluqdars' (Amendment) Act, 1905 (Bom. 2 of 1905), by a mulgameti, who holds land directly from the Crown, except where his estate has been taken under management by a Government officer under Bom. 6 of 1888. *See* s. 2 (*2*), proviso, of that Act.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptaion of Indian Laws Order in Council.

[3] These words were added by s. 5 of the Gujarat Taluqdars' (Amendment) Act, 1905 (Bom. 2 of 1905).

[4] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] This sub-section was substituted by s. 94 (*1*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

(*b*) in section 54, the words "or under the Gujarat Taluqdars' Act, 1888", shall be inserted after the figures "136";

(*c*) in sections 46, 88, 89 and 94, the word "taluqdar" shall be substituted for the words "holder of alienated lands" and the word "holder", wherever they occur;

[1][(*cc*) to section 79A, clause (*a*), the words "which he uses or occupies in contravention of any of the provisions of the Gujarat Taluqdars' Act, 1888, or", shall be added;]

(*d*) in section 88, the clauses (*c*) to (*f*) and proviso shall be omitted;

(*e*) for section 111 the following section shall be deemed to be substituted, *viz.*:—

Revenue management of taluqdari estates which may be temporarily under Provincial Government management.

'111. In the event of any taluqdar's estate coming under the temporary management of Government officers, it shall be lawful for the Collector, Taluqdari Settlement-officer, or other officer appointed by [2][the Provincial Government] in this behalf, subject, in any case to which it applies, to the proviso to section 29 of the Gujarat Taluqdars' Act, 1888, to let out the lands thereof at rates determined by means of a survey-settlement or at such other fixed rates as he may deem to be reasonable, and to [3][grant unoccupied lands on lease] and otherwise to conduct the revenue management thereof under the rules for the management of unalienated lands not comprised within a taluqdar's estate, so far as such rules may be applicable and for so long as the said estate shall be under the management of Government officers:

Provided, however, that any written agreements relating to the land made by the taluqdar of such estate shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful [4][claims of the Crown] on the land; and provided also that, when the estate ceases to be under the management of Government officers, the possession and enjoyment thereof shall, except as is otherwise provided in section 29 of the Gujarat Taluqdars' Act, 1888, revert to the taluqdar, subject to the leases [5]* * *, if any, granted under this section;"

(*f*) [6]* * * section 113 [7]* * * shall be omitted;

(*g*) in section 147, the words "or under the Gujarat Taluqdars' Act, 1888," shall be inserted after the word "section";

(*h*) in section 150, clause (*f*), the word "alienated" shall be omitted;

(*j*) in section 160, the word "be" shall be substituted for the words "[8][revert to the Crown]";

(*k*) in section 162, the words "at any time within twelve years from the first day of August next after the attachment" shall be omitted;

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[1] Clause (*cc*) was inserted by s. 6 of the Gujarat Taluqdars' (Amendment) Act, 1905 (Bom. 2 of 1905).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for the words "sell the occupancy of unoccupied lands by auction" by s. 94 (*2*) of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[4] The words "claims of the Crown" were substituted for the words "claims of Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "and occupancy rights" were repealed by the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[6] The word "in" was repealed by s. 94 (*3*), *ibid.*

[7] The word, figure and brackets "clause (*3*)" were repealed by s. 94 (*3*), *ibid.*

[8] The words "revert to the Crown" were substituted for the words "revert to Government" by the Adaptation of Indian Laws Order in Council.

(*l*) in section 214, clause [1][(*h*)] shall be omitted ;

(*m*) generally, the word "taluqdar" shall be substituted for the word "occupant" ; [2]* * * * and the words "taluqdar's holding" or such words to that effect as may be required by the context, for the word "occupancy".

And whereas it is also expedient to limit the period within which fresh estates may be subjected to the operation of Bombay Act VI of 1862 (*an Act for the amelioration of the condition of Taluqdars in the Ahmedabad Collectorate and for their relief from debt*) ; It is further enacted as follows :—

34. No new declaration shall be made under section 1 of the said Bombay Act VI of 1862 at any time after six months from the date on which this Act comes into force. Limitation of operation of Bombay Act VI of 1862.

[1] This letter was substituted for the letter "*f*" by s. 94 (*4*), of the Bombay Land Revenue (Amendment) Act, 1913 (Bom. 4 of 1913).

[2] The words "the words 'registered taluqdar' for the words 'registered occupant'" were repealed by s. 94 (*5*), *ibid.*

THE BOMBAY VILLAGE SANITATION ACT, 1889.

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BOMBAY ACT No. I OF 1889.[1]

[THE BOMBAY VILLAGE SANITATION ACT, 1889.]

[*23rd May 1890.*]

Amended by Bom. 3 of 1915.

Amended and repealed in part by Bom. 25 of 1931.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

The Bombay Village Sanitation Act, 1889.

WHEREAS, for the purpose of improving the sanitary condition of villages in the Presidency of Bombay, it is expedient to provide for the constitution of Sanitary Committees and Boards having authority over such villages; It is enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Bombay Village Sanitation Act, 1889.

Extent.

2. It is applicable to the whloe of the Presidency of Bombay, except the City of Bombay, [2]* * * * and the [3]scheduled district of the Mehwassi Chiefs' villages, as defined in the [4]Scheduled Districts Act, 1874.

XIV of 1874.

Repeal of enactments.

3. During such time as Part II or Part III and the rules made thereunder shall be in force in any village, the enactments mentioned in the schedule shall, to the extent specified in the third column of the schedule, cease to have any operation in the said village.

Definitions.

4. In this Act, unless there be something repugnant in the subject or context—

Bom V of 1879.

(*a*) "village" means the site of a village or town, determined for the time being as under section 126 of the Bombay Land Revenue Code, 1879, together with the area included within a distance of a quarter of a mile from any part of such site, in so far as such site or area is not included within a permanant municipal district or a military cantonment;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1889, Part V, p. 9 for Report of Select Committee, *see ibid.*, 1889, p. 34, and for Proceedings in Council, *see ibid.*, 1889, pp. 12 and 46.

[2] The words "Aden and its dependencies, Perim" were omitted by the Adaptation of Indian Laws Order in Council.

[3] That is the villages belonging to the following Mehwassi Chiefs:—
(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singapur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

[4] Central Acts.

(*b*) "prescribed" means prescribed by a rule made under this Act;

(*c*) "chavdi" means, in any village in which there is no chavdi, such place as the Collector directs shall be deemed to be the chavdi for the purposes of this Act.

Operation of Parts II, III and IV.

5. (*1*) Part II shall come into force in any village to which the Collector extends the same, under the power hereinafter conferred upon him in this behalf, from such date as the Collector shall direct, and shall continue in force, when so extended, until the [1][Commissioner] directs by notification in the [2][*Official Gazette*] that it shall cease to have operation in such village, or extends Part III to such village.

(*2*) Part III shall come into force in any village to which the [1][Commissioner] extends the same, under the power hereinafter conferred upon him in this behalf, from such date as is directed in this behalf by the [1][Commissioner], and shall continue in force, when so extended, until the [1][Commissioner] directs by notification in the [2][*Official Gazette*] that it shall cease to have operation in such village.

(*3*) Part IV shall have operation, as far as its provisions apply, in and in respect of every village in which either Part II or Part III is in force.

Part II how to be extended to a village.

6. (*1*) Subject to the control of the Commissioner and of [3][the Provincial Government], the Collector may at any time extend Part II to any village in his district in which Part III is not in force.

(*2*) For the purpose of extending Part II to any such village, the Collector shall cause to be published by posting up copies thereof in conspicious places in his own office and in the office of the Mamlatdar and of the Mahalkari within whose taluqá or mahal the said village is situate and in the chavdi or some other public building in the said village, a proclamation in the language of the district directing that, unless a proclamation be thereafter issued by him to the contrary, Part II shall extend to the said village on and from a date to be specified in the proclamation, which shall not be less than two months after that on which the proclamation is posted up in the village, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to the Collector not later than one month before the said specified date, be received and considered.

(*3*) If, after considering any objections which may have been made as aforesaid, the Collector shall be of opinion that good cause exists for not extending Part II to the village or for not extending it thereto immediately he may, by proclamation published as aforesaid—

(*a*) cancel his previous proclamation; or

(*b*) suspend the extension of Part II to the said village for a specified period.

(*4*) If the Collector suspends the extension of Part II to the village for a specified period, he may thereafter, by proclamation published as aforesaid—

(*c*) at any time abandon the proposed extension; or

(*d*) from time to time defer the extension for a further specified period.

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[1] This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

7. (*1*) The [1][Commissioner] may at any time extend Part III to any village in any part of the Presidency to which this act is applicable, whether Part II is at the time in force in such village or not. Such extension to a village where Part II is in force shall cause Part II to cease to operate therein. Part III how to be extended to a village.

(*2*) For the purpose of extending Part III to any such village, the [1][Commissioner shall, by [2]notification in the [3][*Official Gazette*] direct that, unless a notification be thereafter issued by him to the contrary, Part III shall extend to the said village on and from a date to be specified in the notification, which shall not be less than three months from the date of the notification, and stating that any objection which any inhabitant of the village may desire to make to the said extension will, if submitted to [4][the Commissioner] or to the Collector, not later than one month before the said specified date, be received and considered.

(*3*) If, after considering any objections which may have been made as aforesaid, [5][the Commissioner] shall be of opinion that good cause exists for not extending Part III to the village or for not extending it thereto immediately, [6][he may,] by notification in the [3][*Official Gazette*], exercise the like powers with respect to the extension of the said Part as the Collector is authorised to exercise, with respect to Part II by sub-sections (*3*) and (*4*) of section 6.

(*4*) Translations in the language of the district of every notification issued by [5][the Commissioner] under this section shall be published by the Collector, without delay, in the manner prescribed in sub-section (*2*) of section 6 for the publication of a proclamation issued by himself.

PART II.

Sanitary Committees.

8. (*1*) There shall be a Sanitary Committee in every village to which this Part is extended. The said Committee shall consist of three or more adult house-holders, residents of the village, chosen, with their own consent, by the Collector, of whom the police patel shall be one, unless the Collector for reasons recorded in writing in any particular case determines otherwise. For the purpose of aiding him in his choice, the Collector may, in his discretion, procure the nomination or election, by the house-holders of the village, of qualified persons, in such mode as he shall deem expedient. Each village to have a Sanitary Committee.

(*2*) The chairman of the said Committee shall be nominated by the Collector.

(*3*) The chairman and other members of the Committee shall hold office for the prescribed period.

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[1] This word was substituted for the words "Governor in Council" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] For notification extending Part III of the Act to certain villages and talukas, *see* Bombay Local Rules and Orders.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[4] These words were substituted for the words "a Secretary to Government" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[5] These words were substituted for the word "Government", *ibid.*

[6] These words were substituted for the words "it may", *ibid.*

Record of Committee's proceedings.

9. The proceedings of the Sanitary Committee shall be recorded in the prescribed manner (or, until rules are made under section 11, in such manner as the Collector by written order directs), by the village-accountant or such other person as the Collector appoints in this behalf, and, in the absence of the village-accountant or person so appointed, by such other person as the Committee may employ for this purpose; and the said record shall be verified by the signature of the chairman or of some other member of the Committee authorized by the Committee in that behalf, below each day's proceedings.

Magistrates having jurisdiction in the village may take part in Committee's proceedings.

10. Every Magistrate having jurisdiction in the village may take part in the proceedings of the Committee at any meeting thereof at which he is present, and such Magistrate or, if there be more than one, the highest in magisterial rank of such Magistrates shall for this purpose be deemed to be a member and president of the Committee for the occasion.

Sanitary Committee to make village rules.

11. The Sanitary Committee may from time to time make rules, and repeal or vary the same, with the approval of the Collector—

(*a*) for regulating the terms of office of its members and its proceedings;

(*b*) for determining the manner in which its proceedings shall be recorded;

(*c*) for procuring and preserving for the use of the village an adequate supply of pure potable water;

(*d*) for the cleansing of the streets and open spaces of the village;

(*e*) for preventing accumulations of offensive and noxious matter in the village;

(*f*) for preventing nuisances and indecent or insanitary acts or omissions in the village; and

(*g*) generally for giving effect in the village to the purposes of this Act.

Provisions concerning the making of rules.

12. (*1*) For not less than three months before any rule which it is proposed to make under section 11 is to come into force, the Committee shall exhibit a copy thereof at the chavdi or some other public building in the village, and there shall be affixed to such copy a notice that objections thereto made in writing to the Collector not later than one month before the date fixed for their coming into force—which date shall be specified—will be received and considered.

(*2*) Any objections so made shall be considered by the Collector, in [1][consultation] with the Committee. If, on such consideration, it shall seem desirable to alter or withdraw the proposed rule, such alteration or withdrawal shall be effected by a notice exhibited as aforesaid. If the Collector deems it expedient to suspend the operation of a rule, it may be suspended for a specified period by a notice exhibited as aforesaid, which shall state that objections thereto, made as aforesaid not later than one month before the expiry of the said period, will be received and considered. Any objection so made shall be considered as aforesaid, and, if it then seems desirable to alter or withdraw the rule, the same shall be notified as aforesaid.

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[1] The word "consultation" was substituted for the word "conference" by Bom. 25 of 1931, s. 2.

(*3*) Subject to the provisions of sub-section (*2*), every rule made by the Committee, with the approval of the Collector and notified as aforesaid, shall come into force on the day notified in this behalf.

13. Whenever it shall come to the notice or knowledge of the Sanitary Committee that any person in the village has apparently committed or is accused of having committed a breach of any rule made by the Committee under section 11, such Committee may, by notice in writing, require such person's attendance before the Committee. Prosecution of offenders against the rules.

14. (*1*) All offences against the rules made by the Committee under section 11 shall be cognizable by the Committee. Cognizance by the Committee of offences against the rules.

(*2*) For the purpose of exercising this jurisdiction, the Committee shall assemble as often as shall be necessary or as the Magistrate of the district shall direct at the chavdi or some other convenient place within the village or near thereto.

(*3*) The Committee shall, in the presence of the accused person, or if not withstanding the service of a notice upon the said person as aforesaid he fails to appear, then in his absence, take evidence as to the alleged offence and any evidence produced by the said person in his defence, and shall thereupon either acquit or convict the accused person and, if he is convicted, may sentence him to such punishment authorised by this Act or by the rules as it thinks reasonable.

15. (*1*) A person convicted by the Committee may, at any time within ten days after sentence is passed against him, appeal to the Magistrate of the district or other Magistrate vested under the [1]Code of Criminal Procedure with appellate jurisdiction over the place where the sentence is passed, or to such other Magistrate, not being a member of such Committee, as the Magistrate of the district may, subject to the orders of [2][the Provincial Government] from time to time, appoint in this behalf. Appeals against the Committee's decisions.

X of 1882.

(*2*) If such person gives notice of his intention to appeal and deposits with an officer appointed by the Magistrate of the district in this behalf the amount of the fine inflicted upon him, execution of the sentence shall be suspended until the lapse of 10 days from the date of the sentence, or, if an appeal is made, until it is disposed of. If within ten days no appeal is made, the sum deposited shall be appropriated to payment of the fine inflicted.

(*3*) The Magistrate who hears the appeal may confirm, reverse or modify the decision of the Sanitary Committee and may pass any order as to punishment which it was competent to the Committee to pass. His order shall be enforced in like manner as one made by the Sanitary Committee.

(*4*) The said Magistrate may suspend execution of the sentence pending disposal of the appeal when such suspension shall appear to him necessary or expedient, on such terms as shall seem reasonable.

16. For the purpose of providing for the village an adequate supply of pure potable water, of cleansing the streets and open spaces thereof, of removing offensive and noxious matter therefrom and for other purposes conducive to the health and comfort of the inhabitants of the village, the Sanitary Committee may utilize, as far as available, the voluntary labour of inhabitants of the village Sanitary Committee may authorize expenditure for necessary works or measures.

[1] *See* now Act 5 of 1898.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

and the services of village servants placed at its command under section 42; and, when these means are insufficient, may from time to time, [1][employ such servants and authorize such expenditure as may be necessary for the purpose aforesaid.]

Sanitary Committee may levy a rate on open air stalls.

[2][17. The Sanitary Committee may levy a rate on open air stalls in the village and the amount so recovered shall form part of the Sanitary Committee fund under section 30D.]

Necessary moneys for expenditure may be raised by voluntary subscription or by a rate on the inhabitants.

[3][18. Any sum of money of which the expenditure is authorised by the Sanitary Committee may be raised by voluntary subscription or levied under section 17 or may be recovered by a rate fixed with the approval of the Collector and assessed by the Sanitary Committee on the inhabitants of the village if the same is not available from any other source:

Provided that—

(*1*) the aggregate amount to be recovered by such rate from the inhabitants of any village in any year shall not except with the permission of the Collector (for reasons to be recorded by him) exceed one half of the aggregate amount leviable in that year as local fund cess from such village;

(*2*) the amount assessed on any inhabitant of such village shall be subject to appeal to the Collector within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final.]

Sanitary Committee to prepare annually a statement of income and expenditure.

[4][18A. The Sanitary Committee shall prepare annually a budget statement showing the estimated income and expenditure for the next year and submit it before the end of January to the Collector for approval. Such budget shall be approved with or without modifications by the Collector before the end of March. The Sanitary Committee may incur expenditure within the budget so approved, but if any further expenditure not included in the budget is required, the previous sanction of the Collector shall be obtained thereto by the Committee.]

PART III.

SANITARY BOARDS.

Constitution of Sanitary Boards.

[5][19. (*1*) There shall be a Sanitary Board in every village to which this Part is extended, or one such board for a group of two or more such villages, as the Collector may direct. Each such board shall consist of such number of members not less than seven as may be determined by the Collector, of whom not less than two-thirds shall be elected: provided that there shall be one elected member for every fifty houses within the area of the Board's authority. The remaining members (to be called 'nominated members') shall be appointed by the Collector and shall ordinarily include police patels.

(*2*) No person may be a member of the Board who is less than 21 years of age and who does not possess the qualifications of an elector.

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[1] These words were substituted for the words "with the approval of the Collector, employ such servants, enter into such contracts, make such deductions and allowances from any rate leviable under its authority, and may authorise the expenditure by the Collector or under his control, of such sums of money as shall be necessary and reasonable, for the purpose aforesaid" by Bom. 25 of 1931, s. 3.

[2] Section 17 was substituted for the original section, *ibid.*, s. 4.

[3] Section 18 was substituted for the original section, *ibid.*, s. 5.

[4] Section 18A was inserted, *ibid.*, s. 5A.

[5] Section 19 was substituted for the original section, *ibid.*, s. 6.

(*3*) Every person, whether male or female, not being less than 18 years of age and being resident within the area which is to be subject to the Board's authority and occupying as owner or part owner or tenant or sub tenant a building or other immovable property therein and not otherwise disqualified under the rules made by the Collector in this behalf, shall be entitled to vote at an election of the Board.

(*4*) The election shall take place at a meeting to be convened for this purpose by the Mamlatdar on such date and at such time and place within the area concerned as he may fix in this behalf. A notice of such meeting together with a list of persons eligible to vote at it shall be posted at the chavdi at least fifteen days before the date of the election.

(*5*) The election shall be by show of hands, or, if the Collector so directs, by ballot. All questions relating to procedure for the election and the qualifications of electors shall be decided by the Mamlatdar in accordance with rules made in this behalf and his orders shall be subject to an appeal to the Collector, whose decision shall be final.

(*6*) The term of office of members of the Board shall be three years, but every member shall be eligible for re-election or re-nomination.

(*7*) The Board shall elect annually one of themselves to be the president:

Provided that he shall be removable from office as president for misconduct either by the vote of two-thirds of the whole number of members of the Board, subject to the approval of the Collector, or by the Collector as provided in section 32.

(*8*) Each meeting of the Board shall be presided over by the president. In the absence of the president a meeting of the Board shall be presided over by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(*9*) The procedure at a meeting of the Board shall be in accordance with the rules made by the Collector in this behalf.]

20. The Sanitary Board may from time to time make rules, with the approval of the Collector, and, save as hereinafter provided, shall discharge functions and exercise authority for the area subject to its authority in respect of the same matters, in the same manner, and subject to like provisions, restrictions and conditions as are hereinbefore enacted in the case of a Sanitary Committee. Sanitary Board may make rules.

21. [1][(*1*) The Sanitary Board may, from time to time, with the sanction of the Collector appoint a Sanitary Inspector for any area or any part of the area subject to the authority of the Board and determine his salary. It may also with the like sanction dismiss or suspend him.] Appointment of Sanitary Inspector and other officers.

(*2*) Such Sanitary Inspector may be a person employed by the Taluka or District Local Board having authority at the place. He may be employed by or on behalf of two or more Sanitary Boards.

[2][(*3*) The Sanitary Board may, in addition to the Sanitary Inspector, appoint such other subordinates as shall appear necessary and determine the amount of the salary to be paid to each. It may also dismiss or suspend the said subordinates.]

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[1] Sub-section (*1*) was substituted for the original sub-section by Bom. 25 of 1931, s. 7 (*1*).
[2] Sub-section (*3*) was added, *ibid.*, s. 7 (*2*).

Duties of the Sanitary Inspector.

22. (*1*) The Sanitary Inspector shall take measures for preventing breaches of the rules in force in the area for which he is appointed, by, from time to time—

(*a*) posting up and otherwise publishing a general admonition respecting the observance of the said rules; or

(*b*) admonishing any person whom he finds offending against any of the said rules; or

(*c*) summoning to appear before the Sanitary Board any person who, from his own observation or from reports made to him by his subordinates, he has reason to think, should be prosecuted for offending against any of the said rules.

(*2*) The Sanitary Inspector shall make such reports and be in such relation to the Sanitary Commissioner, consistent with the duties and obligations imposed on him by this Act or arising out of his position as a servant of a Local or Sanitary Board, as [1][the Provincial Government] may prescribe.

Prosecutions at instance of the Board for breaches of rules.

23. The Board may also by notice in writing require the attendance before the Board of any person who is accused of having committed, or who, to the knowledge of the Board, has apparently committed, a breach of any rule made by the Board under section 20.

Cognizance by the Board of offences against the rules.

24. (*1*) All offences against the rules made by the Board under section 20 shall be cognizable by the Board, who, for the purpose of exercising this jurisdiction, shall assemble, as often as shall be necessary or as the Magistrate of the district shall direct, at some convenient place within or near to the area subject to its authority.

(*2*) The provisions of sub-section (*3*) of section 14 and of section 15 shall apply as nearly as may be, to the hearing and decision of cases under this section by a Sanitary Board and to appeals by persons convicted by such Board.

Sanitary Board's orders by whom to be carried out.

25. (*1*) The orders of every Sanitary Board shall be carried out and its orders and proceedings shall be recorded in the prescribed manner and preserved by such member of the Board or by such officer of the Board or by such other officer as the Collector may from time to time nominate in this behalf.

(*2*) The person authorised in this behalf shall be bound to keep a true record of the Board's proceedings and orders, under his signature, and truly to prepare all summonses, notices and orders issuing by direction of the Board or of any member thereof in accordance with this Act or with rules made under section 20.

Works and buildings which may be provided by a Sanitary Board.

26. [*Sanitary Board may enter into certain contracts.*] *Repealed by Bom. 25 of 1931, s. 8.*

27. Every Sanitary Board may, [2]* * * * * * * cause to be constructed such works and buildings as shall be necessary for providing for the area subject to its authority or any part thereof—

(*a*) an adequate supply of water;

(*b*) proper and convenient places for the temporary deposit or final disposal of sweepings, dust, ashes, refuse, rubbish, carcasses of dead animals and other offensive or noxious matter;

(*c*) means for conveying away or removing the several matters and things specified in clause (*b*).

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "with the approval of the Collector" were repealed by Bom. 25 of 1931, s. 9.

[1][28. The Sanitary Board may, by voluntary subscription, raise any sum of money for any of the purposes of the Board under this Act. Such sum shall form part of the Sanitary Board fund under section 30D and shall be expended by the Sanitary Board within the area subject to its authority and for the purposes of this Act.] Sanitary Board may raise funds by voluntary subscription.

29. Every Sanitary Board shall be bound to provide for, or authorize the expenditure necessary for— Purposes for which expenditure is to be incurred by Sanitary Board.

(*a*) paying the salaries of the Sanitary Inspector and other officers, if any, appointed under section 21 ; and

(*b*) providing stationery and other requisites for the use of the Board and of the said Sanitary Inspector and other officers, if any ; and

(*c*) fulfilling any contract entered into by it under section [2][30C] ; and

(*d*) constructing necessary works and buildings under section 27.

[3][30. (*1*) A debit and credit account shall be kept by the Sanitary Board in such form as may be prescribed by the Collector. To the debit of such account shall be placed all expenditure authorizedly incurred under the provisions of this Act. To its credit shall be placed all sums raised by voluntary subscription under section 28, all sums realized from any other source for meeting the Board's expenditure, and the net proceeds of any rate assessed as hereinafter provided. Sanitary Board's ways and means.

(*2*) The Board shall also prepare and submit to the district local board annual returns of its accounts on or before such date and in such form as may be prescribed by the Collector.

(*3*) For the purpose of raising any money required for expenditure by a Sanitary Board under the Act, the Board may, subject to rules made in this behalf by the Collector, fix and assess a rate on the inhabitants of the area or of any part of the area subject to its authority :

Provided that—

(*1*) the aggregate amount to be so recovered in any year from the inhabitants of any area subject to its authority shall not, except with the permission of the Collector (for reasons to be recorded by him), exceed one-half of the aggregate amount leviable in that year as local fund cess from the inhabitants of such area ;

(*2*) the amount assessed on any inhabitant of such area shall be subject to appeal to the Collector within thirty days of the said inhabitant being notified thereof and the Collector's decision shall be final.]

PART IV.

General Provisions.

[4][30A. Every Sanitary Committee and every Sanitary Board shall be a body corporate by the name of 'The Sanitary Committee of.....' or 'The Sanitary Board of.....' as the case may be, and shall have perpetual succession and a common seal, and may sue and be sued in its corporate name.] Incorporation of Sanitary Committees and Sanitary Boards.

[1] Section 28 was substituted for the original section by Bom. 25 of 1931, s. 10.
[2] The figures and letter "30C" were substituted for figures "26", *ibid.*, s. 11.
[3] Section 30 was substituted for the original section, s. 12.
[4] Section 30A, 30B, 30C, 30D, 30E, 30F and 30G were inserted, *ibid.*, s. 13.

Power to acquire, hold and transfer property.

Property vested in Sanitary Committee or Sanitary Board.

[1][30B. (*1*) A Sanitary Committee or a Sanitary Board may acquire and hold property, both moveable and immovable, whether within or without the limits of the village or villages subject to its authority.

(*2*) All property of the nature hereinafter in this sub-section specified may be transferred to or vested in the Committee or the Board exercising authority in the village in which such property is situate, either by [2][the Provincial Government] or by an officer appointed by [2][the Provincial Government] in this behalf or by the district or taluka local board to which it belongs or in which it vests; and on such transfer the said property shall be deemed always to have so vested and shall, together with all other property, of what nature or kind soever acquired by it and every work constructed by it at its own cost, be under the direction, management and control of the said Committee or Board and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act; that is to say—

(*a*) public markets, slaughter-houses, manure and night-soil depots, places used by the public for the purposes of erecting temporary stalls or generally for the purpose of carrying on any trade or business, and all public buildings of every description;

(*b*) public streams, springs, pools, tanks, ponds, wells, cisterns, reservoirs, aqueducts, conduits, pipes, pumps and all other water works for the supply, storage or distribution of water for public purposes, and all buildings, bridges, engines, works, materials and things connected with or appertaining to such water works;

(*c*) public sewers, drains, cess-pools, incinerators, water-courses, culverts, tunnels and all works, materials and things appertaining thereto;

(*d*) public bathing ghats and recreation grounds;

(*e*) public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) public streets and the pavements, stones and other materials thereof, and all trees, erections, implements, and things existing on or appertaining to such streets; and

(*g*) land or other property transferred to the Committee of the Board by gift, purchase or otherwise for local public purposes.]

Mode of executing contracts.

[1][30C. (*1*) Subject to the provisions of this Act every Sanitary Committee and every Sanitary Board shall be competent by a resolution duly recorded to lease, sell or otherwise transfer any moveable or immovable property which may, for the purposes of this Act, have become vested in or been acquired by it; and, so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts and do all such other things as it may consider necessary for the purposes of this Act:

Provided that no contract involving an expenditure exceeding one hundred rupees or purchase of immovable property (involving similar expenditure) shall be made without the previous sanction of the Collector:

Provided further that in the case of every lease of immovable property, for a term exceeding three years, and of every sale or other transfer of such property, the previous sanction of the Collector is required.

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[1] Secions 30A, 30B; 30C, 30D, 30E, 30F and 30G were inserted by Bom. 25 of 1931, s. 13.

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

(*2*) Every contract which under the law for the time being in force is required to be in writing shall be signed, in the case of a Committee, by the chairman, or, in the case of a Board, by the President, and shall be sealed with the common seal of the Committee or Board.]

Sanitary Committee or Sanitary Board fund.

[1][**30D.** All moneys received by or on behalf of a Sanitary Committee or a Sanitary Board by virtue of this or any other Act; all rates, fines, fees and penalties paid to or levied by it or on its behalf under this Act; all proceeds of land or other property sold by a Sanitary Committee or a Sanitary Board and all rents accruing from its land or other property; and all interest, profits and other moneys accruing by gifts or transfers from [2][any Government] or private individuals or otherwise, shall constitute the Sanitary Committee or Sanitary Board fund and shall be held and applied by it as a trustee, subject to the provisions and for the purposes of this Act.]

Property and funds of Sanitary Committee or Sanitary Board how to be applied.

[1][**30E.** All property vested in a Sanitary Committee or a Sanitary Board under this Act, and all funds received by it or on its behalf in accordance with the provisions of this Act, and all sums accruing to it under the provisions of any law for the time being in force, shall be held and applied, subject to the provisions and for the purposes of this Act, within the limits of the area for which the Sanitary Committee or Sanitary Board is constituted:

Provided that it shall be lawful for a Sanitary Committee or a Sanitary Board, with the sanction of the Collector, to incur expenditure beyond the said limits, for the construction, maintenance or repairs of works for the benefit of the persons residing within the said limits:

Provided further that it shall be lawful for the Sanitary Committee or Sanitary Board, with the like sanction, out of any unappropriated balance of money standing to its credit, to make such contribution on such terms as it shall deem expedient to the cost of any work under construction by a local board in fulfilment of the duties imposed on it by section 50 of the Bombay Local Boards Act, 1923.]

Bom. VI of 1923.

Power to deposit and invest surplus funds.

[1][**30F.** (*1*) It shall be lawful for a Sanitary Committee or a Sanitary Board to deposit with such bank as may be approved by the Collector any surplus funds in its hands which may not be required for current charges, and to invest such funds in public securities as defined in clause (18) of section 3 of the Bombay District Municipal Act, 1901, in the name of the Sanitary Committee or Sanitary Board, and, from time to time, to dispose of such securities as may be necessary.

Bom III of 1901.

(*2*) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (*1*), be deposited in the Local Government treasury or in such other place of security as may be sanctioned for this purpose in the rules of the Sanitary Committee or Sanitary Board.]

Vesting of property and rights of a Sanitary Committee or Sanitary Board ceasing to exist or to have jurisdiction.

[1][**30G.** When a Sanitary Committee or a Sanitary Board ceases to exist or to have jurisdiction over any area subject to its authority the property and rights vested in such Committee or Board under this Act shall, subject to all charges and liabilities affecting the same, vest in the taluka local board of the taluka in which the area over which such Committee or Board ceases to have jurisdiction is situate:

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[1] Sections 30A, 30B, 30C, 30D, 30E, 30F and 30G were inserted by Bom. 25 of 1931, s. 13.

[2] The words "any Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

Provided that such property as may have been transferred to or vested in such Committee or Board either by [1][the Provincial Government] or by the district local board shall, on such cessation, revert to the [2][Crown for the purposes of the Province] or the district local board, as the case may be.]

Certain Government officers to advise Sanitary Committees and Boards.

31. The Executive Engineer of the district and any subordinate of the Executive Engineer, of the Sanitary Commissioner or of a Local Board, having authority at the place whom the Collector may appoint generally or specially in this behalf shall have, in relation to a Sanitary Committee or Board, such rights and duties as are assigned to certain officers in relation to Local Boards by [3][sub-section (*1*) of section 40 of the Bombay Local Boards Act, 1923]. Bom. VI of 1923.

Removal from office of members, etc., of Sanitary Committees and Boards.

32. The Collector [4][after giving the person concerned an opportunity of being heard and after recording his reasons may], remove from office any member or chairman of a Sanitary Committee and with the sanction of [5][the Commissioner], any member, or president of a Sanitary Board, who appears to be incompetent or who has been guilty of any misconduct or neglect of duty which appears to render his removal expedient.

Filling up of vacancies.

33. (*1*) Whenever for any reason a vacancy occurs or is about to occur in the office of a member or chairman of a Sanitary Committee, or of a member or president of a Sanitary Board, the Collector shall without delay appoint a person to fill such vacancy.

(*2*) During any such vacancy the continuing members of a Sanitary Committee or Board may act as if no vacancy had occurred.

Questions to be decided by majorities.

34. Every question which comes before a Sanitary Committee or Board for decision shall be decided by a majority of votes of the members present and voting at a prescribed meeting of such committee or board or at a meeting thereof assembled by direction of the Collector or otherwise after notice duly issued to all the members, the member who presides having a second or casting vote when there is an equality of votes.

Signing of summonses, etc.

35. Summonses, notices and orders issued by a Sanitary Committee or Board or with its authority may be signed on behalf of the committee or board by the member presiding at any meeting of such committee or board.

Punishment for breach of rules made under this Act.

36. A breach of any rule made by a Sanitary Committee or Board under this Act in respect of any matter other than the matters specified in clauses (*a*) and (*b*) of section 11 shall be punishable, unless in any case a smaller maximum punishment is prescribed by the said rules, with fine which may extend to ten rupees, and in

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[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Crown for the purposes of the Province" were substituted for the word "Government", *ibid.*

[3] The words, figures and brackets "sub-section (*1*) of section 40 of the Bombay Local Boards Act, 1923" were substituted for the words and figures "the first paragraph of section 33 of Bombay Act I of 1884" by Bom. 25 of 1931, s. 14.

[4] These words were substituted for the words "may, after recording his reasons for the same", *ibid.*, s. 14A.

[5] These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

default with confinement in the chavdi for a period which may extend to forty-eight hours, and, in the case of a continuing breach, with fine which may extend to two rupees for every day after conviction for the first breach or after receipt of notice from the committee or board or from the Sanitary Inspector, to discontinue the breach, during which the breach continues and, in default, with confinement as aforesaid.

Order for levy of fines.

37. (*1*) A Sanitary Committee or Board may allow to a person sentenced to pay a fine such time not exceeding four days as it may think proper for payment of the fine on such terms as to security as it shall seem to the committee or board necessary to impose.

(*2*) Whenever default is made in the payment of a fine, the Sanitary Committee or Board which passed the sentence, or on appeal from whose decision the sentence was passed, may in its discretion by written order direct the levy of the amount, although the sentence directs that, in default of payment of the fine, the offender shall be confined and the offender is or has been confined.

Levy of fines and rates.

38. All fines for the levy of which an order has been issued as aforesaid, all sums assessed on account of any rate under this Act, which are not paid after reasonable notice, shall be leviable by the patel or by such other person as the Collector or the Sanitary Committee or Board, with the Collector's sanction, appoints in that behalf, by distress and sale of any moveable property of the person liable therefor, subject to such exceptions as are enacted in the [1]Code of Civil Procedure in respect of the sale of moveable property in execution of decrees.

XIV of 1882.

39. [*Net proceeds of fines to be credited to account of Committee or Board having authority over the villages in which offences are committed.*] *Repealed by Bom. 25 of 1931, s. 15.*

Contributions and loans from local boards.

40. (*1*) Any District or Taluka Local Board may from time to time assign, by way of donation or loan, to the Sanitary Committee or Board of any village or group of villages in the area subject to its authority, for expenditure on any purpose contemplated by this Act, such sum out of the portion of the local fund at its disposal as it shall think proper.

[2]* * * * * * * *

[3](*2*) But no sum shall be so assigned by way of loan, without the sanction of the Collector, and every sum assigned by way of loan with such sanction shall be recoverable by the Collector in such instalments of interest and of principal as shall be agreed upon between the parties, by a rate charged and assessed [4][with the approval of the Collector by] the Sanitary Committee or Board, upon the inhabitants of the area subject to the authority of such Committee or Board.

Execution of works in which two or more Sanitary Committees or Boards are jointly interested.

41. (*1*) Works for the supply of water or for the drainage of two or more villages subject to the authority of different Sanitary Committees or Boards and any other work or measure conducive to the common health or comfort of two or more such villages may, upon request made, with the approval of the Collector, by all such

[1] *See* now Act 5 of 1908.

[2] Sub-section (*2*) was repealed by Bom. 25 of 1931, s. 16 (*1*).

[3] Sub-section (*3*) was re-numbered as sub-section (*2*), *ibid.*, s. 16 (*2*).

[4] These words were substituted for the words "by the Collector, in conference with", *ibid.*

Committees and Boards or by a majority of them, be executed by or under the direction of the Collector or of such other officer as [1][the Commissioner may appoint] in this behalf.

Recovery of cost of such works.

(*2*) The cost of any such work or measure shall be divided between the several Committees and Boards in such proportions as shall be agreed upon by them, or, in default of such agreement, as the Collector shall determine; and shall be recoverable in the said proportions by a rate charged and assessed [2][with the approval of the Collector by] each Committee and Board, upon the inhabitants of the areas subject respectively to the said Committee's and Board's authority: subject to the same limit as is provided by section 18, clause (*2*), in respect of rates charged under section 18, clause (*1*).

Abandonment of a work proposed to be undertaken by a Sanitary Committee or Board in favour of a work to be undertaken by a Local Board.

(*3*) Where any work undertaken or proposed by a Committee or Board constituted under this Act shall be such as to interfere with or materially affect any work undertaken or proposed by a District or Taluka Local Board, such latter Board may require the Sanitary Committee or Board to desist from such work as aforesaid and it shall thereupon be the duty of the District or Taluka Local Board to make reasonable provision, within reasonable time, for supplying to the area under the authority of the Sanitary Committee or Board such means of health, cleanliness and decency, or means equivalent thereto, as would have been furnished by the work abandoned in consequence of such requisition as aforesaid.

Local Boards may call for information in such cases.

(*4*) For the purpose of obtaining information as to any work intended or in course of construction, to which the provisions of the preceding clause may apply, it shall be lawful for the Taluka or District Local Board to call for such report from the Sanitary Committee or Board, through the Collector, as shall be necessary and reasonable, and to cause such inspection and report to be made by any person in its employment, as it shall deem necessary in this behalf, and it shall be the duty of the Sanitary Committee or Board concerned to comply with such requisition and to give reasonable aid and furtherance to any inspection ordered as aforesaid.

Certain village servants to be placed under command of Sanitary Committee or Board.

42. Village-servants who hold land, profits of land or other emoluments by way of remuneration, wholly or partly, for services consisting in or connected with cleansing or conservancy may, as to such services, be placed by the Collector, subject to the control of [3][the Commissioner], under the command and superintendence of the Sanitary Committee or Board having authority in the place in respect of which the said services are due, and shall be bound to fulfil all reasonable orders of the said Committee or Board under such reasonable penalties as may be provided in any rule made under this Act.

Determination and recovery of duties of village-servants placed under command of Sanitary Committee or Board.

43. (*1*) The Collector shall—

(*a*) determine all questions as to the amount of any payment at any time by custom or under any settlement mentioned in section 18, 19 or 20 of the Bombay Hereditary Offices Act due to a village servant placed under the command of a Sanitary Committee or Board under the last preceding section; and Bom. III of 1874.

[1] These words were substituted for the words "Government appoints" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] These words were substituted for the words "by the Collector, in conference with" by Bom. 25 of 1931, s. 17.

[3] These words were substituted for the word "Government" by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

(*b*) if necessary, cause the amount which he determines to be due or the money value thereof at the market rate of the time being, if the due is payable in kind to be recovered on behalf of the village servant entitled thereto, free of charge, as if the same were an arrear of land revenue:

(*2*) Provided that the Collector may decline to cause such recovery to be made on behalf of any servant, if, in his opinion, the duty in respect of which the payment is due has not been duly performed by such servant.

Collector's functions under this Act may be delegated.

44. Any power conferred or duty imposed by this Act upon the Collector may, [1]* * * * * be [2]delegated by him to an Assistant or Deputy Collector.

Collectors, Magistrates and other public servants subject to usual control in the exercise of their authority.

45. In the discharge of the duties and the exercise of authority assigned to them by this Act, Collectors, Magistrates and other public servants shall be subject to the like control as in the discharge of their ordinary functions.

Indemnity of persons acting in good faith under this Act.

46. (*1*) No Magistrate, Collector, president or member of a Sanitary Committee or Board, or Sanitary Inspector shall be liable to any penalty or to payment of damages for any act by him done in good faith in pursuance or intended pursuance of any authority or duty conferred or imposed upon him by this Act.

(*2*) And no public servant or person duly authorised or appointed shall be liable as aforesaid for giving effect in good faith to any order or direction issued with apparent authority by a person empowered in that behalf under this Act or under any rule made hereunder.

SCHEDULE.

(*See* section 3.)

Number and year of enactment.	Subject or title.	Extent of repeal.
Bom. Act VII of 1867 ...	The Bombay District Police Act, 1867.	Sections 33 and 34.
Bom. Act VIII of 1867 ...	The Bombay Village Police Act, 1867.	Clauses 2, 3 and 4 (except the first two and the last thirteen words) and 5 of section 16.

[1] The words "with the sanction of Government," were omitted by the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] For notification sanctioning the delegation of powers by Collectors, *see* Bombay Local Rules and Orders, and for notification delegating powers to Assistant and Deputy Collector under certain sections of the Act, *see Bombay Government Gazette*, 1902, Pt. I, p. 1153.

THE BOMBAY DISTRICT POLICE ACT, 1890.

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53. Police to regulate traffic, etc., in streets;
to keep order in the streets and other public places; and to regulate resort to public places.
Persons bound to conform to reasonable orders of police.
Police-officer may restrain or remove contumacious person.
54. Enforcement of orders issued under section 42, 43 or 44.
55. Duty of the police to see orders issued under section 45 or 46 carried out.

Sections.

56. Police-officer may take charge of stray cattle.
57. Duty of police with regard to unclaimed property.
58. Procedure by Magistrate when property exceeds ten rupees in value. Procedure in other cases.
59. Power to sell perishable property at once.
60. A superior police-officer may himself perform duties imposed on his inferior, etc.

CHAPTER VI.

Offences and Punishments.

61. Punishment of certain street offences and nuisances; disregarding the rule of the road; leaving cattle, etc., insufficiently tended; causing obstruction or mischief by animals; exposing animal for hire or sale, etc.; causing any obstruction in a street; obstructing a footway; exhibiting mimetic, musical or other performances, etc.; doing offensive acts on or near public streets; letting loose horses, etc., and suffering ferocious dogs to be at large; bathing or washing in places not set apart for those purposes; defiling water in public wells, etc.; obstructing bathers; behaving indecently in public; obstructing or annoying passengers in the street; misbehaviour with intent to provoke a breach of the peace; begging and exposing offensive ailments. gambling in streets.
61AA. [*Repealed.*]
61A. Special provisions respecting cattle habitually allowed to stray.
61B. Wilful trespass.
61C. False alarm or fire or damage to fire-alarm.
61D. Being found under suspicious circumstances between sunset and sunrise.
61DD. Carrying weapon without authority.
61E. Possession of property of which no satisfactory account can be given.
62. Punishment for cruelty to animals.
63. Penalty for vexatious search, arrest, etc., by the police.
64. Penalty for vexatious delay in forwarding a person arrested.
65. Penalty for contravention of rules under section 39 or section 39A or of directions under section 53.
65AA. Penalty for contravening rules under section 39AB.
65A. Penalty for contravening rules made under section 39C.
66. Penalty for contravening rules, etc., under section 40.
67. Penalty for failure to comply with order under section 41.
68. Penalty for contravention of rules or directions under sections 42, 43, 44, 47 and 48.
69. Penalty for contravention of a regulation made under section 45.
70. Penalty for contravention of direction given under section 46.

Sections.

71. Penalty for opposing or not complying with direction given under section 54.
72. Jurisdiction when offender is a police-officer above the rank of constable.
73. Prosecution for certain offences against the Act to be in the discretion of the police.
74. Prosecution for offences under other enactments not affected by the Act.

CHAPTER VII.

MISCELLANEOUS.

75. Disposal of rewards, etc., payable to police officers.
76. District Magistrate's authority over village police-officers may be delegated to District Superintendent and may be withdrawn.
77. No municipal or other rates to be payable by Provincial Government on police buildings.
78. Method of proving orders and notifications issued under this Act.
79. Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.
79A. Suspension and revocation of licences.
80. No Commissioner, Magistrate or police-officer to be liable to penalty or damages for act done in good faith in pursuance of duty.
No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.
Suits or prosecutions in respect of act done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.
In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.
Plaint to set forth service of notice and tender of amends.
81. Persons interested may apply to Provincial Government to annul, reverse or alter any rule or order.
When a suit shall lie to the District Court to declare a rule or order unlawful.
82. [*Repealed.*]

SCHEDULE A.—ENACTMENTS REPEALED.

SCHEDULE B.—FORM OF CERTIFICATE FOR POLICE-OFFICER OF THE GRADE OF HEAD CONSTABLE OR CONSTABLE.

SCHEDULE C.—FORM OF CERTIFICATE FOR ADDITIONAL POLICE-OFFICER APPOINTED UNDER SECTION 22A.

BOMBAY ACT No. IV OF 1890.[1]

[THE BOMBAY DISTRICT POLICE ACT, 1890.]

[*4th September 1890.*]

Repealed in part, by Act 16 of 1895.

Repealed in part and amended by—

Act 38 of 1920;
Bom. 1 of 1910.

Repealed by Bom. 4 of 1912;
" " " 5 of 1913;
" " " 2 of 1919.

Amended by Bom. 3 of 1898;
" " " 3 of 1915;
" " " 9 of 1918;
" " " 12 of 1920;
" " " 19 of 1925;
" " " 11 of 1927;
" " " 24 of 1930;
" " " 9 of 1931;
" " " 16 of 1931;
" " " 7 of 1933;
" " " 21 of 1933;
" " " 13 of 1934;
" " " 20 of 1935;
" " " 24 of 1935;
" " " 6 of 1936;
" " " 21 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 3 of 1939;
" " " 13* of 1941;
" " " 2* of 1944;
" " " 17† of 1945;
" " " 23§ of 1945;
" " " 16 of 1946;
" " " 28 of 1946;
" " " 6‡ of 1947;
" " " 59 of 1947;
" " " 34 of 1948;
" " " 63 of 1948;
" " " 25 of 1949.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1889, Part V, pp. 82 and 84; for Report of Select Committee, *see ibid.*, 1890, p. 35; and for Proceedings in Council, *see ibid.*, 1890, pp. 29, 66, 80 and 95.

* This Act was repealed and re-enacted by Bom. 59 of 1947, s. 2.

† This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

§ This Act was re-enacted by Bom. 53 of 1947.

‡ This Act shall remain in force for a period of three years [*vide* sub-section (3) of section 1 of Bom. 6 of 1947 as amended by section 2 of Bom. 30 of 1948].

An Act to amend the law for the regulation of the District Police in the Presidency of Bombay.

WHEREAS it is expedient to amend the law for the regulation of the District Police of the Presidency of Bombay; It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

[1][1. (*1*) This Act may be cited as the Bombay District Police Act, 1890.

Extent.

(*2*) It extends to the whole of the Presidency of Bombay, except [2][the Greater Bombay], [3][and Sind], but [4][the Provincial Government] may at any time by notification in the [5][*Official Gazette*] extend it, or any part of it, to any portion of [6][Sind]].

Repeal of enactments.

2. Subject to the provisions in section 1, [7][sub-section (*2*)], the enactments mentioned in Schedule A are repealed to the extent specified in the third column thereof [8] * *.

All references made in any enactment of the Governor of Bombay in Council to any enactment hereby repealed shall be read as if made to the corresponding portion of this Act.

All rules prescribed, appointments made, powers conferred, and orders and certificates issued under any such enactment shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued hereunder.

Definitions.

3. In this Act, unless there be something repugnant in the subject or context,—

(*a*) "Inspector-General", "Deputy Inspector-General", "District Superintendent" [9]["Additional Superintendent",] [10]["Assistant Superintendent" and "Deputy Superintendent"] mean, respectively the Inspector-General of Police, a Deputy Inspector-General of Police, a District Superintendent of Police, [9][an Additional Superintendent of Police], [11][an Assistant Superintendent of Police and a Deputy Superintendent of Police], appointed under this Act;

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1 This section was substituted by Bom. 3 of 1898, s. 1.

2 The words "the Greater Bombay" were substituted for the words "the City of Bombay" by Bom. 17 of 1945, section 9 and Schedule E read with the proviso to section 2 of Bom. 52 of 1947.

3 The words "and Sind" were substituted for the words "Sind and Aden" by the Adaptation of Indian Laws Order in Council.

4 The words "the Provincial Government" were substituted for the word "Government", *ibid.*

5 The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

6 The word "Sind" was substituted for the words "either Sind or Aden", *ibid.*

7 This word, brackets and figure were substituted for the word, brackets and figure "sub-section (*1*)" by Bom. 3 of 1898, s. 2.

8 The words "but not so as to render invalid anything done in accordance with any of them" were repealed by the Amending Act, 1895 (16 of 1895).

9 These words were inserted by Bom. 12 of 1920, s. 2.

10 These words were substituted for the words "and Assistant Superintendent" by Bom. 1 of 1910, s. 2 and Sch. I.

11 These words were substituted for the words "and an Assistant Superintendent of Police", *ibid.*

(*b*) "police-officer" means any member of a police-force appointed under this Act [1][and shall include, subject to the provisions of sub-section (*2*) of section 22-A, an additional police-officer] ;

(*c*) "constable" means a police-officer of the lowest grade ;

(*d*) "district" means a territorial division constituting a district for the purposes of the [2] Code of Criminal Procedure, 1882 ;

X of 1882.

(*e*) "street" includes any highway and the way over any causeway, bridge, viaduct, arch, quay or wharf, and any road, lane, footway, square, court, alley or passage accessible to the public whether a thoroughfare or not ;

(*f*) "cattle" includes elephants, camels, horses, asses, mules, sheep, goats and swine ;

X of 1882.

(*g*) words and expressions which are defined in the [2]Code of Criminal Procedure, 1882, have the same meaning as in that Code.

[3][(*h*) the expressions "appointment" and "removal", with their respective grammatical variations, used in relation to an office shall, when also used with reference to any member of the Indian Police, be construed to mean, respectively, appointment to, and transfer from, the said office ;]

[4][(*i*) the expression "subordinate ranks" means members of the police force below the rank of Deputy Superintendent.]

CHAPTER II.

ORGANIZATION OF THE POLICE.

General.

Police force to be entertained in each district.

4. In each district of the Presidency of Bombay to which this Act extends, [5][the Provincial Government] may [6]* * * * * * * * establish and entertain a police-force of such number in the several ranks and having such an organization and such duties, rights and authority as are hereinafter prescribed and provided for [7]* * * * * *.

[8][Subject to the provisions of this Act, the pay and all other conditions of service of members of the subordinate ranks of any police-force shall be such as may be determined by the Provincial Government.]

Appointment and authority of Inspector-General of Police.

5. (*1*) For the direction and supervision of the police-force of every portion of the presidency to which this Act extends, [5][the Provincial Government] shall appoint an Inspector-General of Police who shall have such functions, authority and responsibility as are hereinafter provided, subject to the provisions of this Act, and to such rules and orders as may be made by [5][the Provincial Government] in this behalf.

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1 These words, brackets, figures and letter were inserted by Bom. 11 of 1927, s. 2.
2 *See* now Act 5 of 1898.
3 Clause (*h*) was added by Bom. 20 of 1935, s. 2.
4 Clause (*i*) was inserted by the Adaptation of Indian Laws Order in Council.
5 The words "the Provincial Government" were substituted for the word "Government", *ibid.*
6 The words "subject in the case of officers of the Indian Police of and above the rank of Assistant Superintendent to the control of the Governor General in Council" were omitted, *ibid.*
7 The words "and receiving such salaries and allowances as shall from time to time be directed and approved by Government" were omitted, *ibid.*
8 These words were inserted, *ibid.*

and of Deputy Inspector-General.

(2) [1]* * * [2][The Provincial Government] may appoint one or more Deputy Inspectors-General of Police, to whom [2][the Provincial Government] may assign such duties being amongst the lawful duties of the Inspector-General of Police, or in aid and furtherance thereof, as shall to [2][the Provincial Government] seem expedient.

(3) [3]* * * *

Appointment of District, Additional, Assistant and Deputy Superintendents.

[4][6. (1)] [2][The Provincial Government] may appoint for each district a Superintendent [5][and one or more Additional Superintendents] and such Assistant [6][and Deputy] Superintendents of Police as it may think expedient, [7]* * *

[8][An additional Superintendent of Police may, by a general or special order of [2][the Provincial Government], be empowered to exercise and perform in the district for which he is appointed or in any part thereof, all or any of the powers and duties under this Act [9][or under any other law for the time being in force] of a Superintendent of Police.]

[10][The District Superintendent of Police may, with the previous permission of the Provincial Government, delegate any of the powers conferred upon him by or under this Act [9][or under any other law for the time being in force] to an Assistant Superintendent or Deputy Superintendent of Police.]

[11][(2) [2][The Provincial Government] may also appoint any police officer not below the rank of District Superintendent to be the Principal of the Central Police Training School, Nasik, and may assign to him such duties as it may think fit. [12]* * *]

Commissioners and Inspector-General to have magisterial powers to exercise them subject to such limitations as are imposed by Provincial Government.

7. Each Commissioner throughout the districts under his control, and the Inspector-General of Police throughout the presidency, shall have the powers of a Magistrate of the first class, but shall exercise such powers subject to such limitation as may from time to time be imposed by [2][the Provincial Government].

8. [*Appointment of inspectors, sub-inspectors and sergeants.*] *Omitted by the Adaptation of Indian Laws Order in Council.*

9. [*Appointment of police-officers of the grades of head-constable and constable*]. *Omitted by the Adaptation of Indian Laws Order in Council.*

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1 The words "Subject to the previous approval of the Governor General in Council" were omitted by Devolution Act, 1920 (38 of 1920), s. 2 and Sch. I.

2 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

3 Sub-section (3) was omitted, *ibid.*

4 Section 6 was renumbered as sub-section (1) of the said section by Bom. 24 of 1930, s. 2.

5 These words were substituted for the words "an Additional Superintendent" by Bom. 59 of 1947, s. 3 (1) (i).

6 These words were inserted by Bom. 1 of 1910, s. 2 and Sch. I.

7 The words "and may suspend, reduce, or transfer any of such officers as it may think fit and Government may also dismiss or remove from service any Deputy Superintendent of Police" were omitted by the Adaptation of Indian Laws Order in Council.

8 This paragraph was added by Bom. 12 of 1920, s. 3 (b).

9 These words were inserted by Bom. 59 of 1947, s. 3 (1) (ii).

10 This portion was inserted by Bom. 3 of 1939, s. 2.

11 Sub-section (2) was inserted by Bom. 24 of 1930, s. 2.

12 The words "He may be transferred, suspended or removed from office by Government" were omitted, by the Adaptation of Indian Laws Order in Council.

10. An inspector, [1][a sub-inspector or a sergeant] shall, on appointment, receive from the Inspector-General [2][or Deputy Inspector-General, as the case may be,] a certificate of appointment containing particulars of his [3]* * name, age, [4]* * * religion and of his previous service, if any.

Certificates of appointment to be given to inspectors, sub-inspectors or sergeants.

11. [5][(*1*) Every police-officer of the grade of head constable and constable shall on enrolment receive a certificate in the form of Schedule B, which shall be issued under the seal of the District Superintendent, or, in the case of police-officers in the Criminal Investigation Department, under the seal of the Deputy Inspector-General, Criminal Investigation Department.]

Certificates of office to be given to police-officers of the grade of head-constable and constable.

(*2*) Every person appointed as aforesaid shall, in virtue of such appointment, be vested with the powers, functions, privileges and responsibilities of a police officer.

Powers, etc. of persons appointed as aforesaid.

(*3*) (*a*) Every certificate of appointment shall become null and void whenever the person named therein for any reason ceases to belong to the police.

Such certificates when to become null and void.

(*b*) The powers, functions and privileges vested in a police-officer shall be temporarily suspended whilst such police-officer is suspended from office.

Such police-officer shall not by reason of such suspension cease to be a police-officer, but shall continue subject to the same responsibilities and subject to the same authorities as if no such suspension had taken place.

Temporary suspension of powers, etc., of police-officers.

12. The District Superintendent shall, subject to the orders of the Inspector-General and of the Magistrate of the district, within their several spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceeding and all matters of executive detail in the fulfilment of their duties by the police-force of his district.

General Powers of District Superintendent.

13. (*1*) The District Superintendent and the police force of a district shall be under the command and control of the Magistrate of the district.

Control by Magistrate of the district, subject to rules and orders of Provincial Government and lawful orders of the Commissioner.

(*2*) In exercising authority under the preceding sub-section, the Magistrate of the district shall be governed by such rules and orders as [6][the Provincial Government] may from time to time make in this behalf, and shall be subject to the lawful orders of the Commissioner.

(*3*) The Inspector-General shall be bound, in the rules and orders issued by him under this Act, to give furtherance to the purposes of sub-section (*1*).

Inspector-General in issuing rules and orders, to give furtherance to purposes of sub-section (*1*).

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[1] These words were inserted by Bom 2 of 1919, s. 2 and Sch. I.
[2] These words were inserted by Bom. 20 of 1935, s. 5.
[3] The word "race" was deleted by Bom. 34 of 1948, s. 2 (*1*).
[4] The words "caste or" were deleted, *ibid.*
[5] This sub-section was substituted by Bom. 2 of 1919, s. 2 and Sch. I.
[6] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Additional police-force to be furnished to any district by the Inspector-General on requisition of District Magistrate.

14. If the Magistrate of the district considers that there is, or on any particular occasion will be, pressing need for a police-force that cannot be furnished by his own district, he shall communicate with the Inspector General, who shall, as far as possible, and subject to the orders of [1][the Provincial Government], comply with the requisitions of the Magistrate of the district.

District Superintendent may be required by District Magistrate to furnish reports.

15. The Magistrate of the district may require from the District Superintendent reports, either particular or general, on any matter connected with crimes, the condition of the criminal classes, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the police-force [2][the conduct and character of any police-officer subordinate to the District Superintendent,] the utilization of auxiliary means and all other matters in furtherance of his control of the police-force and the maintenance of order.

District Magistrate's general powers of supervising the police-force of his district.

16. If the Magistrate of the district observes marked incompetence, or unfitness for the locality or for his particular duties, in any officer subordinate to the District Superintendent, he may call on the Superintendent to substitute another officer for any officer whom he has power to remove and the Superintendent shall be bound to comply with such requisition. In the case of an Inspector or officer of higher grade, the Magistrate of the district may communicate with the Inspector-General, who shall thereon determine the measures to be taken with careful attention to the views of the Magistrate of the district and shall inform him of the orders he may issue.

Power of Commissioner to issue directions in respect of police-force.

17. (*1*) A Commissioner may make any order with respect to the police-force in any district within the division subject to his authority, which the Magistrate of the district might make, and any order which he may be authorized to make by any rule lawfully made by [1][the Provincial Government] under the provisions of this Act or other law in force, and may also in case of emergency direct any portion of such force appointed for one district to be employed in any other district in such division.

Such direction ordinarily to be to the District Magistrate and to be communicated to the Inspector-General.

(*2*) An order under sub-section (*1*) shall ordinarily be directed to the Magistrate of the district concerned, but may when necessary be addressed directly to the District Superintendent, in which case it shall be communicated to the Magistrate of the district. The order shall in each case be communicated by the Commissioner to the Inspector-General.

Commissioner may call Inspector-General's attention to defects in the police of his division which shall be remedied.

18. In such matters falling under his observation as lie within the sphere of authority of the Inspector-General, a Commissioner may call the Inspector-General's attention to defects of system or of personal competence in the police of any portion of the division subject to his authority. It shall be incumbent on the Inspector-General in every such case to remedy defects, and to remove causes of complaint and to conform to the requests of the Commissioner where the same shall be lawful and consistent with the orders of [1][the Provincial Government] and other lawful commands, requests and instructions. He shall communicate the steps taken by him to the Commissioner.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were inserted by Bom. 4 of 1912, s. 3.

19. A Commissioner may call on the Magistrate of a district for such reports and information connected with the state of crime in his district and with the distribution of the police therein and on the arrangements for repressing offences and disorder as he may think necessary, as a means towards the good administration of the division subject to his authority, and may thereon issue such orders as shall be conformable to law. Every such order shall be directed to the Magistrate of the district and shall be communicated to the Inspector-General.

Commissioner may call on District Magistrate for reports on state of crime, etc., and issue orders thereon.

20. [1][The Inspector-General] shall, subject to the orders of [2][the Provincial Government] have authority to investigate and regulate all matters of account connected with the police [3]* * * subject to his authority, and all persons concerned shall be bound to give him reasonable aid and facilities in conducting such investigations, and to conform to his lawful orders consequent thereon.

the Inspector-General may investigate and regulate all matters of police accounts.

Special.

21. (*1*) Whenever it shall appear to a Magistrate of the second class or of higher rank having jurisdiction at a town or place, that any unlawful assembly, riot or other disturbance of the peace has taken place or is reasonably apprehended and that the available police-force is not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of property in the local area in which such unlawful assembly, riot or other disturbance has taken place or is apprehended, such Magistrate may, on the application of any police-officer not lower in rank than a [4][sub-inspector] by a written order signed by himself and sealed with his official seal appoint to be special police-officers for such time and within such limits as he shall think necessary so many persons fit and willing to act as such officers as he shall think proper.

Appointment of special police-officer.

(*2*) Every special police-officer so appointed shall have the same powers, functions, privileges and immunities and be liable to the same duties and responsibilities and be subject to the same authorities as an ordinary police-officer; but it shall not be necessary for him to receive a certificate of office under section 11.

Powers and responsibilities of special police-officers.

Additional.

22. (*1*) Any District Superintendent, on the application of any person showing the necessity therefor, may depute any additional number of police to keep the peace or to perform other police duties at any place within the district.

Employment of additional police at request of persons showing the necessity therefor.

(*2*) Such additional police shall be employed at the charge of the person making the application, but shall be subject to the orders of the police authorities and shall be employed for such period as the District Superintendent thinks fit.

Cost thereof.

[1] These words were substituted for the words "A Commissioner" by Bom. 4 of 1912, s. 4.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "within the division" were repealed, *ibid.*

[4] This word was substituted for the words "chief constable" by Bom. 4 of 1912, s. 5.

Proviso regarding relief from cost.

(3) Provided that, if the person upon whose application such additional police are employed shall at any time make a written requisition to the District Superintendent for the withdrawal of the said police, he shall be relieved from the charge therefor on the expiration of such period, not exceeding one month from the date of delivery of such requisition, as the District Superintendent shall determine.

(4) In acting under this section the District Superintendent shall be subject to the provisions of section 13 (1).

Power to appoint additional police-officers.

[1][22A. (1) [2][The Provincial Government] may[3] * * * * appoint for such time and on such pay, and of such rank or grade, as it shall think fit, additional police-officers to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences,—

(a) on the application of any person, at the charge of such person, or

(b) without such application, at the charge of any person for whose profit or benefit any large work, or any public amusement, likely to impede traffic or attract a large concourse of people, is being carried on.

(2) Every additional police-officer so appointed shall on appointment,—

(a) receive a certificate in the form of Schedule C;

(b) be vested with all or such of the powers, privileges and duties of a police-officer as are specially mentioned in the certificate; and

(c) be subject to the orders of the District Superintendent.

Notice to be given for discontinuance.

(3) In any case in which such police-officers are appointed on the application of any person, such person may, by giving notice in writing, require that on the expiry of one month from the receipt by the District Superintendent of such notice or on the expiry of such shorter period as the District Superintendent may fix, the appointment of such police-officers shall cease.

Payments to be accounted for.

(4) All moneys received by the District Superintendent for the payment of any such additional police-officers shall be accounted for by him.

Dispute as to payment of cost.

(5) In the event of any dispute in any case under this section the decision of the District Magistrate shall be conclusive as to the amount to be paid, and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the District Superintendent, be recovered by the Collector from such person as an arrear of land revenue.]

Employment of additional police near large works.

23. (1) Whenever it shall appear to any Magistrate of a district that the behaviour, or a reasonable apprehension of the behaviour, of the persons employed on any railway, canal or other public work, or in or upon any manufactory or other commercial concern under construction or in operation at any place within his district, necessitates the employment of additional police at such place, such Magistrate may, with the sanction of [4][the Commissioner], depute such additional police to the said place as he shall think fit, and keep the said police employed at such place for so long as such necessity shall appear to him to continue.

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1 Section 22A was inserted by Bom. 11 of 1927, s. 3.

2 The words "The Provincial Government" were substituted for the words "Any District Superintendent" by the Adaptation of Indian Laws Order in Council.

3 The words "in his discretion" were omitted, *ibid.*

4 These words were substituted for the word "Government" by Bom. 3 of 1915, s. 2 and Sch. I.

(2) Such additional police shall be employed at the charge of the person by whom the work, manufactory or concern is being constructed or carried on, and the said person shall pay the charges therefor at such rates and at such times as the Magistrate of the district, with the sanction of [1][the Commissioner], shall from time to time require. **Cost thereof.**

24. In case of any dispute in any case under section 22 or section 23, the decision of the Magistrate of the district shall be conclusive as to the amount to be paid and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the Magistrate of the district, be levied by the Collector as if it were an arrear of land-revenue due by the person found to be answerable therefor. **Disputes as to payment of cost.**

25. (1) [2][The Provincial Government] may, from time to time, by notification, direct the employment of additional police for such period as it shall think fit in any local area which shall appear to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants shall, in its opinion, render it expedient temporarily to increase the strength of the police. **Employment of additional police in cases of special danger to the public peace.**

[3][(2) The cost of such additional police shall, if [2][the Provincial Government] so direct be either in whole or in part defrayed by a tax imposed on the persons hereinbelow mentioned, or by a rate assessed on the property of such persons, or both by a tax and by a rate so imposed and assessed, and charged— **Cost thereof.**

(a) either generally on all persons who are inhabitants of the local area to which such notification applies; or

(b) specially on any particular section or sections or class or classes of such persons, and [2][the Provincial Government] may direct the proportions in which such tax or rate shall be charged:

[4][Provided that a copy of every direction given by [2][the Provincial Government] under this sub-section shall be sent forthwith to each member of the [5][Legislative Assembly of the Province], and shall be laid on the table of the [5][Legislative Assembly of the Province] at the commencement of the session next following the date of such direction, and the question whether the said cost or any part thereof shall be defrayed in the manner specified in this sub-section or whether it shall be defrayed out of the general revenues of [2][the Provincial Government] shall, if so required by due notice given at that session by any member, be decided by a resolution duly passed in this behalf by the [6][said Assembly]; and recoveries shall be suspended pending the consideration of such resolution if any at such or the next succeeding session.

Explanation.—For the purposes of this section and of section 25A "inhabitants" shall include persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area, and landlords who themselves or by their agents or servants collect rents or revenue direct from rayats or occupiers in such area, notwithstanding that they do not actually reside therein.]

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[1] These words were substituted for the word "Government" by Bom. 3 of 1915, s. 2 and Sch. 1.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This sub-section was substituted by Bom. 3 of 1898.

[4] This proviso was inserted by Bom. 19 of 1925, s. 2.

[5] The words "Legislative Assembly of the Province" were substituted for the words "Bombay Lagislative Council" by the Adaptation of Indian Laws Order in Council.

[6] The words "said Assembly" were substituted for the words "said Council", *ibid.*

Extension of period for payment of cost.

[1][(3) It shall be lawful for [2][the Provincial Government] to extend, for a term not exceeding in any case five years, the period for the payment of such tax or rate beyond the period for which such additional police are actually employed.]

Assessment of cost.

[3][(4) The said tax shall be imposed, or the said rate shall be assessed except in a municipal district, by the Collector at his discretion. If the local area in which any such tax is to be imposed or any such rate is to be assessed, is a municipal district, [4]* * * * the rate shall be assessed by the municipality conformably to the direction given by [2][the Provincial Government] under sub-section (2) [5][or where the Commissioner so directs the tax shall be imposed or the rate shall be assessed by the Collector at his discretion].]

Exemption from liability to bear cost.

[1][(5) It shall be lawful for [2][the Provincial Government], by order, to exempt any persons from liability to bear any portion of such cost.]

Compensation for injury caused by an unlawful assembly how recoverable.

[6][25A. (1) With the previous sanction of [7][the Commissioner], the Magistrate of the district may—

(a) after such enquiry as he deems necessary,

(i) determine the amount of the compensation which, in his opinion, should be paid to any person or persons, in respect of any loss or damage caused to any property, or in respect of death or grievous hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly, and

(ii) declare the local area, the inhabitants of which have, in his opinion, by their conduct caused or contributed to the holding of such assembly;

(b) require the Collector to recover the amount so determined in such proportions as the Magistrate of the district may with the like sanction direct from all inhabitants of the local area so declared as aforesaid, or from any section or sections, or class or classes of such persons;

(c) if such area is a municipal district, at his discretion require the municipality to assess and recover such amount [8][and a sum not exceeding three percent. of such amount] by a tax or by a rate which the municipality shall impose and levy from such persons and in such proportions in accordance with such directions; and

(d) require the Collector or the municipality, as the case may be, to award or apportion all or any moneys so recovered to any person or among all or any persons whom the Magistrate of the district considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

Exemption from liability to pay compensation.

(2) It shall be lawful for [7][the Commissioner] by order to exempt any persons from liability to pay any portion of such compensation.

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[1] This sub-section was inserted by Bom. 3 of 1898., s. 6.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This sub-section was substituted, by Bom 3 of 1898.

[4] The words "the amount of the charge shall be paid by the municipality from the muncipal fund or" were omitted by Bom. 19 of 1925, s. 2(2).

[5] These words were inserted by Bom. 24 of 1930, s. 3.

[6] This section was inserted by Bom. 3 of 1898, s. 7,

[7] These words were substituted for the word "Government" by Bom. 3 of 1915, s. 2 and Sch. I.

[8] These words were inserted by Bom. 59 of 1947, s. 3 (2)(a).

(*3*) No recovery shall be made and no compensation shall be granted under this section except upon a claim made within [1][45 days] from the date of the death, grievous hurt, loss or damage, as aforesaid, in respect of which such claim is made and unless the District Magistrate is satisfied that the person claiming compensation is himself free from blame in respect of the occurrences which led to the death, grievous hurt, loss or damage as aforesaid.

Conditions under which compensation recoverable.

(*4*) Every declaration, assessment, direction and order made by the Magistrate of the district under sub-section (*1*) shall be subject to revision by [2][the Commissioner] [3]* * * * but save as aforesaid shall be final.

Orders of District Magistrate subject to revision.

[4][(*4A*) The Commissioner and the Magistrate of the district shall discharge their functions under this section subject to any general or special orders of the Provincial Government in this behalf.]

Commissioner and District Magistrate to act under orders of Provincial Government.

(*5*) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.]

Bar to maintaining civil suit.

26. (*1*) Every [5][tax imposed or] rate assessed under [6][the last two preceding sections] or other provision of this Act by a municipality shall be recovered by such municipality from each person answerable therefor in the same manner as a municipal tax due by him :

Recovery of rates and charges under sections 25 and 25A by a municipality.

[7][Provided that where a municipality makes default in imposing any such tax or in assessing any such rate or in making any such recovery, [8][the Provincial Government] may direct the Collector to impose such tax or assess such rate or to make such recovery.]

[9][(*1A*) The municipality or the Collector, as the case may be, shall every three months pay the amount recovered by it or him to the Magistrate of the district.]

Municipality or Collector to pay amount recovered every three months.

[9](*1B*) Out of the total amount recovered by the municipality a sum equivalent to the amount of the compensation determined under clause (*a*) (i) of sub-section (*1*) of section 25A shall be paid to the Magistrate of the district and the balance, if any, shall be credited to the municipal fund constituted under section 51 of the Bombay District Municipal Act, 1901 or section 65 of the Bombay Municipal Boroughs Act, 1925, as the case may be.]

Bom. III of 1901. Bom. XVIII of 1925.

Amount of compensation to be paid to District Magistrate, balance to be credited to municipal fund.

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[1] These figures and words were substituted for the words "one month" by Bom. 34 of 1948, s. 2 (*2*).
[2] These words were substituted for the word "Government" by Bom 3 of 1915, s. 2 and Sch. I.
[3] The words "or by such officer as they from time to time empower in this behalf" were repealed, *ibid.*
[4] Sub-section (*4A*) was inserted by Bom. 59 of 1947, s. 3 (*2*) (*b*).
[5] These words were inserted by Bom. 3 of 1898, s. 8 (*1*) (*a*).
[6] These words were substituted for the words "the last preceding section", *ibid.*, s. (*1*) (*b*).
[7] This proviso was substituted for the original proviso by Bom. 24 of 1930, s. 4 (*a*).
[8] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.
[9] Sub-sections (*1A*) and (*1B*) were inserted by Bom. 59 of 1947, s. 3 (*3*).

By the Collector.

(2) Every [tax imposed or] rate assessed [1][or amount recoverable] by the Collector [2][under any provision of this Act] shall be recoverable by the Collector as if it were an arrear of land-revenue due by the perison answerable therefor.

Compensation in respect of death or grievous hurt not to be assigned, attached or charged.

[3][26A. The compensation payable to any person under section 25 An respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.]

CHAPTER III.

REGULATION, CONTROL AND DISCIPLINE OF THE POLICE FORCE.

Framing of rules for administration of the police.

27. Subject to the orders of [4][the Provincial Government], the Inspector-General may from time to time make rules or orders not inconsistent with this Act or with any other enactment at the time in force—

(*a*) relating to the recruitment, organization, classification and discipline of the police;

(*b*) regulating the inspection of the police by his subordinates;

(*c*) determining the description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the police;

(*d*) for the institution, management and regulation of any police fund for any purpose connected with police administration;

(*e*) regulating, subject to the provisions of section 13, clause (*l*), and section 17, the distribution, movements and location of the police;

(*f*) regulating the duties of police-officers of different grades;

(*g*) regulating the collection and communication by the police of intelligence and information;

(*h*) generally, for the purpose of rendering the police efficient and preventing abuse or neglect of their duties.

Inspector-General may call for returns, etc.

28. The Inspector-General of Police may, subject to the rules and orders of [4][the Provincial Government], call for such returns, reports and statements on subjects connected with the suppression of crime, the maintenance of order and the performance of their duties as his subordinates may be able to furnish to him. He will communicate to the Magistrate of the district and the Commissioner any general orders issued by him for the purposes aforesaid or in consequence of the information furnished to him, and also any orders which [4][the Provincial Government] may direct.

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[1] These words were inserted by Bom. 3 of 1898, s. 8 (*2*).
[2] These words were substituted for the words "as aforesaid" by Bom. 24 of 1930, s. 4 (*b*).
[3] Section 26A was substituted for the original by Bom. 59 of 1947, s. 8 (*4*).
[4] The words the "Provincial Government" were substituted for the word "the Government" by the Adaptation of Indian Laws Order in Council.

29. (*1*) The [1][Provincial Government], or any officer authorised by sub-section (*3*) in that behalf, may suspend, reduce or dismiss any [2][member of the subordinate ranks of the police force] whom he shall think cruel, perverse, remiss or negligent in the discharge of his duty or unfit for the same, and may fine, to an amount not exceeding one month's pay, any [2][member of the subordinate ranks of the police force] [3]* * * * * who is guilty of any breach of discipline or misconduct which does not require his suspension or dismissal or who, by any act of his own, renders himself unfit for the discharge of his duty.

Punishment of the member of the subordinate ranks of the police force departmentally for neglect of duty, etc.

(*2*) Any punishment inflicted on a [4][member of the subordinate ranks of the police force] under this section shall be in addition to the penalty to which such officer is liable under section 36, 63 or 64 of this Act or any other law in force.

Punishment under this section to be in addition to penalty under section 36, 63 or 64.

(*3*) The Inspector-General [5][and Deputy Inspector-General] shall have authority to punish [6][any [4][member of the subordinate ranks of the police force] of, and below the grade of inspector] under sub-section (*1*). [7][A District Superintendent shall have] the like authority in respect of any police-officer subordinate to him below the grade of Inspector and may suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such inspector and until an order of the Inspector-General [8][or Deputy Inspector-General] can be obtained. [9][The Principal of the Central Police Training School, Nasik, shall also have the like authority in respect of any [4][member of the subordinate ranks of the police force] below the grade of Inspector serving under him, and in respect of head constables and constables belonging to the police force of the Nasik District or of any other district attached to the said School for duty under him. He may also suspend an Inspector who is subordinate to him, pending inquiry into a grave complaint against such Inspector and until an order of the Inspector-General [8][or Deputy Inspector-General] can be obtained.] But the exercise of any power conferred by this sub-section shall be subject always to such rules and orders as may be made by [10][the Provincial Government] in that behalf.

Punitive powers of Inspector-General, Deputy Inspector-General and Superintendent.

30. When any officer passes an order for fining, suspending, reducing or dismissing a police-officer, he shall record such order or cause the same to be recorded, together with the reasons therefor and a note of the inquiry made, in writing, under his signature in the language of the district or in English.

Procedure to be observed in awarding punishment.

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1 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

2 The words "member of the subordinate ranks of the police force" were substituted for the words "police-officer", *ibid.*

3 The words "below the grade of Assistant or Deputy Superintendent" were omitted, *ibid.*

4 The words "member of the subordinate ranks of the police force" were substituted for the words "police-officer", *ibid.*

5 The words "and Deputy Inspector-General" were inserted by Bom. 20 of 1935, s. 6 (*i*).

6 These words were substituted for the words "an inspector" by Bom. 13 of 1934, s. 2.

7 The words "A District Superintendent shall have" were substituted for the words "the Deputy Inspector-General of Police, Criminal Investigation Department, and a District Superintendent shall each have" by Bom. 20 of 1935, s. 6 (*ii*).

8 The words "or Deputy Inspector-General" were inserted, *ibid.*, s. 6 (*iii*).

9 These words were inserted by Bom. 24 of 1930, s. 5 (*b*).

10 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Departmental punishment for insubordination.

31. (*1*) The Inspector-General and any District Superintendent and any Assistant [1][or Deputy] Superintendent in charge of a portion of a district may punish by confinement for a period not exceeding three days, any police-officer below the rank of head constable who is in his presence, grossly insubordinate or who is insolent to him.

Procedure to be observed in awarding such punishment.

(*2*) Every order for punishing a police-officer as aforesaid shall be recorded in the manner prescribed in section 30, and a copy of every such order made by a District Superintendent or an Assistant [1][or Deputy] Superintendent shall be forwarded by him to his immediate superior.

31A. [*Conditions of service.*] *Repealed by the Adaptation of Indian Laws Order in Council.*

Police-officers to be deemed to be always on duty and to be liable to employment in any part of the presidency.

32. (*1*) Every police-officer shall, for all purposes of this Act, be deemed to be always on duty in the area for which he is appointed or to which he is lawfully transferred, and any police-officer and any number or body of police-officers appointed for one part of the presidency may, if [2][the Provincial Government] or the Inspector-General so direct, at any time be employed on police duty in any other part of the presidency for so long as the services of the same may be there required.

Intimation of proposed transfers to be given by the Inspector-General to the Commissioner and District Magistrate.

(*2*) Timely intimation shall, except in cases of extreme urgency, be given to the Commissioner and Magistrate of the district by the Inspector-General of any proposed transfer under this section, and, except where secrecy is necessary, the reasons for the transfer shall be explained; whereupon the officers aforesaid and their subordinates shall give all reasonable furtherance to such transfer.

33. [*Police-officers not to engage in trade; etc.*

Police-officers under the rank of Assistant Superintendent to be employed on other than police duties.

These prohibitions to apply also when a police-officer is on leave or under suspension.] *Repealed by Bom. 24 of 1930, s. 6.*

Under what conditions police-officer may resign.

34. (*1*) Unless with the written permission [3][of the Deputy Inspector-General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or] of the District Superintendent or of some other police-officer empowered by the Inspector-General to grant such permission, no police-officer under the rank of Assistant [4][or Deputy]

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[1] These words were inserted by Bom. I of 1910, s. 2 and Sch. I.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were inserted by Bom. 24 of 1930, s. 7 (i) (*a*).

[4] These words were inserted by Bom. I of 1910, s. 2 and Sch. I.

Superintendent shall resign his office or withdraw himself from the duties thereof, [1]until—

[1](*a*) the expiration of two months after writter notice of his intention so to do has been given by him to the [2][Deputy Inspector-General of Police, Criminal Investigation Department, or to the Principal of the Central Police Training School, Nasik, or to the District Superintendent, as the case may be;] and until

[1](*b*) he has fully discharged any debt due by him, as such police-officer, to [the Crown] or to any Police fund :

(*2*) Provided that if any such police-officer produces a certificate signed by the Civil Surgeon declaring him to be unfit by reason of disease or mental or physical incapacity for further service in the police, the necessary written permission to resign shall forthwith be granted to him on his discharging or giving satisfactory security for the payment of any debt due by him [1]as aforesaid. Proviso.

(*3*) If any such police-officer as aforesaid resigns or withdraws himself from the duties of his office in contravention of this section, he shall be liable, on the order of the [2][Deputy Inspector-General of Police, Criminal Investigation Department, or of the Principal of the Central Police Training School, Nasik, or of the District Superintendent, as the case may be] to forfeit all arrears of pay then due to him. This forfeiture shall be in addition to the penalty to which the said officer is liable under section 36 of this Act or other law in force. Arrear pay of a police-officer contravening this section may be forfeited.

35. (*1*) Every person who for any reason ceases to be a police-officer shall forthwith deliver up to some officer empowered by the [4][Deputy Inspector-General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or the District Superintendent to whom such police-officer is subordinate] to receive the same, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office. Certificate, arms, etc., to be delivered up by person ceasing to be a police-officer, and

(*2*) Any Magistrate and, for special reasons which shall be recorded in writing at the time, [5][the Deputy Inspector-General of Police, Criminal Investigation Department, or the Principal of the Central Police Training School, Nasik, or] any District Superintendent, [6][Assistant Superintendent or Deputy Superintendent] may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up. Every warrant so issued shall be executed in accordance with the provisions of the [7]Code of Criminal Procedure, 1882, by a police-officer or, if the Magistrate, [8][the Deputy Inspector-General of Police, Criminal Investigation Department, the Principal of the if not delivered up may be seized under a search-warrant.

X of 1882.

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1 The Police (Resignation of Office) Ordinance, 1942 (Ordinance No. 11 of 1942), which provided that in section 34 of the Bombay District Police Act, 1890, in sub-section (*1*), the word "until" and clauses (*a*) and (*b*) shall be omitted and in sub-section (*2*), for the words "as aforesaid" the words "as such police-officer to the Crown or to any police fund" shall be substituted, ceased to be in force with effect from the 1st day of October 1946 by operation of the provisions of section 102 (4) read with section 311 (6) of the Government of India Act, 1935. The word "until" and clauses (*a*) and (*b*) in sub-section (*1*) and the words "as aforesaid" in sub-section (*2*) have therefore, been restored.

2 These words were substituted for the words "District Superintendent" by Bom. 24 of 1930, s. 7.

3 These words were substituted for "Government" by the Adaptation of Indian Laws Order in Council.

4 These words were substituted for the words "District Superintendent" by Bom. 24 of 1930, s. 8 (*a*).

5 These words were inserted *ibid.*, s. 8 (*b*) (*i*).

6 These words were inserted by Bom. 3 of 1915, s. 2 and Sch. I.

7 *See* now Act 5 of 1898, Central Acts.

8 These words were inserted by Bom. 24 of 1930, s. 8 (*b*) (*ii*).

Central Police Training School, Nasik,] [1][District Superintendent, Assistant Superintendent or Deputy Superintendent] issuing the warrant so directs, by any other person.

Saving of certain articles.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the Inspector-General, has become the property of the person to whom the same was furnished.

Penalty for making false statement, etc., and for misconduct of police-officers.

36. (1) Any person who makes a false statement or uses a false document for the purpose of obtaining employment or release from employment as a police-officer, or

(2) any police-officer who,—

[2]* * * * * * *

(a) is guilty of cowardice, or

[2](b) resigns his office or withdraws himself from the duties thereof in contravention of section 34, or

[2](c) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which, as such police-officer, it is his duty to observe or obey, or

[2](d) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Consequence of failure to return to duty after leave.

(3) A police-officer who, being absent on leave, fails, without reasonable cause, to report himself for duty on the expiration of such leave shall, for the purposes of clause (c), be deemed to withdraw himself from the duties of his office within the meaning of section 34.

Penalty for failure to deliver up certificate of appointment or of office or other article.

37. Any police-officer who wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article, in accordance with the provision of sub-section (1) of section 35, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Provincial Government may make order under section 144, Code of Criminal Procedure.

38. [3][The Provincial Government], whenever it shall seem necessary, may by notification make an order to such effect as any order which if made by a Magistrate under section 144 of the [4]Code of Criminal Procedure could be continued in force by [3][the Provincial Government] under the enactment aforesaid. X of 1882.

CHAPTER IV.

POLICE REGULATIONS.

Rules may be made by District Magistrate regarding use of streets, etc.

39. (1) In any town or other place in which he thinks fit, the Magistrate of the district may, from time to time and subject to such orders as may have been made by a municipal or other authority empowered in that respect, make rules or orders—

(a) closing certain streets or places temporarily, in cases of danger from ruinous buildings or other cause, with such exceptions as shall appear reasonable;

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1 These words were substituted for the words "or District Superintendent" by Bom. 3 of 1915, s. 2 and Sch. I.

2 Clause (a) of sub-section (2) was repealed; and clauses (b) to (c) of the said sub-section were re-lettered as clauses (a) to (d) respectively by Bom. 24 of 1930, s. 9.

3 The words "The Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

4 See now Act 5 of 1898.

(*b*) for guarding against injury to persons and property in the construction, repair and demolition of buildings, platforms and other structures from which danger may arise to passengers, neighbours or the public;

(*c*) regulating the leading, driving, conducting or conveying of any elephant or wild or dangerous animal through or in any street;

(*d*) prohibiting the hanging or placing of any cord or pole across a street or part thereof, or the making of a projection or structure so as to obstruct traffic or the free access of light and air;

(*e*) prescribing certain hours of the day during which odour and offensive matter or objects shall not be taken from or into houses or buildings in certain streets or conveyed through such streets, and during which cattle shall not be driven along the streets, or along certain specified streets, except subject to such reasonable regulations as he may prescribe in that behalf;

(*f*) prohibiting the setting fire to or burning any straw or other matter, or lighting a bonfire, or wantonly discharging a fire-arm or air-gun, or letting off or throwing a fire-work, or sending up a fire balloon in or upon or within fifty feet of a street or building or the putting up of any post or other thing on the side of or across a street for the purpose of affixing thereto lamps or other contrivances for illumination, except subject to such reasonable regulations as he may prescribe in that behalf;

(*g*) prohibiting, except under such reasonable regulations as the Magistrate of the district may impose, the making of any excavation, the placing of building materials or other articles or the fastening or detention of any horse or other animals in any street;

(*h*) prohibiting, save under such regulations as aforesaid, the exposure or movement in any street of persons or animals suffering from contagious or infectious diseases and the carcasses of animals or part thereof and the corpses of persons deceased;

(*i*) setting apart places for the slaughtering of animals, the cleaning of carcasses or hides, the deposit of noxious or offensive matters, and for obeying calls of nature;

(*j*) in cases of existing or apprehended epidemic or infectious disease of men or animals, with respect to cleanliness and disinfection of premises by the occupier thereof and residents therein and as to the segregation and management of the persons or animals diseased or supposed to be diseased, as may have been directed or approved by [1][the Provincial Government] with a view to prevent the disease or to check the spreading thereof;

(*k*) directing the closing or disuse, wholly or for certain purposes, or limiting to certain purposes only the use, of any source, supply, or receptacle of water, and providing against pollution of the same or of the water therein;

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*l*) regulating the hours during which and the manner in which any place for the disposal of the dead, any dharmasala, village-gate or other place of public resort may be used, so as to secure the equal and appropriate application of its advantages and accommodation and to maintain orderly conduct amongst those who resort thereto;

(*m*) regulating [1]* * * the movement of persons, animals and vehicles at such times and such places at which, in the opinion of the Magistrate, special regulations may be necessary for the public safety and convenience;

[2][(*n*) prescribing the number and position of lights to be used on vehicles in streets and the hours between which such lights shall be used.]

Manner of publication of such rules.

(*2*) Every regulation made under clause (*h*) or made under clause (*l*) with respect to the use of a place for the disposal of the dead shall be framed with due regard to ordinary and established usages and to the necessities of prompt disposal of the dead in certain cases; and every rule or order made by the Magistrate of the district under clause (*c*), (*e*), (*f*), (*g*), [3][(*h*), (*i*) or (*n*)] shall be published by affixing a copy thereof, in the language of the district, in the chavdi, or in some other public building in the town or place in which the same is to have operation, and a copy, in the language of the district, of every rule or order made under clause (*a*), (*b*), (*j*), (*k*) or (*l*) shall be kept affixed in a conspicuous spot near to the building, structure, work or place to which the same specially relates.

Rules under clause (*I*) (*j*) to be reported to the Commissioner.

(*3*) Every rule promulgated under the authority of article (*j*) of clause (*I*) of this section shall be forthwith reported to [4][the Commissioner] and shall be in force for not more than fifteen days unless extended by [4][the Commissioner] for a longer period and, in such case, for so long as [4][the Commissioner] directs.

(*4*) It shall be the duty of all persons concerned to conform to any order duly made as aforesaid so long as the same shall be in operation.

Rules for licensing and controlling theatres and other places of public amusement.

[5][**39A.** With the previous sanction of the [6][Provincial Government] the Magistrate of the district may from time to time make rules for licensing and controlling theatres and other places of public amusement, entertainment or assembly, including the entrance and exit of persons thereat and the decent and orderly conduct of proceedings therein, and in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting the keeping of places of public amusement, entertainment or assembly, [7][or the using of loudspeakers in any public places or places of public entertainment.]

Power of Magistrate of the district to levy fees under rules made under section 39A.

[8][**39AA.** Notwithstanding anything contained in this Act, it shall be deemed to be lawful and always to have been lawful, for the Magistrate of the district under the rules made under section 39A, to prescribe and levy fees for licensing theatres and other places of public amusement, entertainment or assembly.]

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1 The words "the entrance and exit of persons at theatres and other places of public amusement or assembly, the decent and orderly conduct of proceedings therein and" were repealed by Bom. 4 of 1912, s. 6 (*1*).

2 Clause (*n*) was added by Bom. 24 of 1930, s. 10 (*a*).

3 These brackets, letters and word were substituted for the brackets, letters and word, "(*h*) or (*i*)", *ibid.* s. 10 (*b*).

4 These words were substituted for the word "Government" by Bom. 3 of 1915, s. 2 and Sch. I.

5 This section was inserted by Bom. 4 of 1912, s. 6 (*2*).

6 The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

7 These words were added by Bom. 34 of 1948, s. 2 (*3*).

8 This section was inserted by Bom. 2 of 1944, s. 2, read with Bom. 59 of 1917, s. 2 (*2*).

[1][39AB. With the previous sanction of the Provincial Government, the Magistrate of the district may from time to time make rules regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement.]

Rules for regulating or prohibiting sale of tickets or passes for admission to places of public amusement.

[2][39B. The Magistrate of the district may, whenever in his opinion such action is necessary, authorise the Police to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfying themselves that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The Magistrate of the district may also make such orders as he deems fit for regulating the use of such barriers.]

District Magistrate may authorise erection of barriers on streets.

[3][39C. (*1*) In any town or other place in which he thinks fit, the Magistrate of the district may, from time to time, with the previous approval of the Commissioner, make rules prohibiting the disposal of the dead, whether by cremation, burial or otherwise at places other than those set apart for such purpose:

Power to make rules prohibiting disposal of the dead except at places set apart.

Provided that no such rules shall be made in respect of any such town or place in which places have not been so set apart:

Provided further that the Magistrate of the district or any officer authorised by him in this behalf may in his discretion on an application made to him by any person grant to such person permission to dispose of the corpse of any deceased person at any place other than a place so set apart, if in his opinion such disposal is not likely to cause obstruction to traffic or disturbance of the public peace or is not objectionable for any other reason.

(*2*) Any rules made under sub-section (*1*) shall specify the places set apart for the disposal of the dead of different communities or sections of communities.

(*3*) All such rules shall be subject to the condition of previous publication and the date to be specified under clause (*c*) of section 24 of the Bombay General Clauses Act, 1904, shall not be earlier than two months from the date on which the draft of the proposed rules is published.

Bom. I of 1904.

Explanation.—For the purposes of this section, a place set apart for the disposal of the dead means a place set apart for such purpose under any custom, usage or law for the time beng in force.]

40. Every Magistrate of a district may from time to time make rules for the blasting of rocks or for making excavations in or near any street in any town or village in his district and may provide in such rules for the grant of licences for such operations.

District Magistrates may make rules for blasting and excavation.

41. On complaint being made to a Magistrate of a district or of a sub-division that any house in a town or village in his district or sub-division to which [4][the Provincial Government] has by notification extended this section is used as a common brothel or lodging house or place of resort for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the said Magistrate may summon the owner or tenant of the house to answer the complaint, and on being

Discontinuance of brothels.

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1 Section 39AB was inserted by Bom. 59 of 1947, s. 3 (*5*).

2 This section was inserted by Bom. 13 of 1941, s. 2 read with Bom. 59 of 1947, s. 2 (*2*).

3 This section was inserted by Bom. 16 of 1946, s. 2.

4 The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

satisfied that the house is so used may order the owner or tenant, within a reasonable period, which shall be set forth in the order to discontinue such use of it.

Issue of orders by Magistrates for prevention of disorder.

42. (*1*) The Magistrate of the district [1]* * * * * * may, whenever and for such time as it shall appear necessary, by a notification publicly promulgated or addressed to individuals, prohibit in [2][any] town or village or the vicinity thereof the carrying of arms, cudgels or other weapons [3][or of corrosive substances or of explosives], the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles, the exhibition of persons or of corpses or figures thereof, the public utterance of cries, singing of songs, [4][playing of music], delivery of harangues and use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any other object or thing, which may be of a nature to outrage morality or decency or, in the opinion of such Magistrate, may probably inflame religious animosity or hostility between different classes or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority. [5][If any person goes armed with any such weapon or carries any corrosive substance or explosive or missile in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive or missile shall be liable to be seized from him by any police-officer and the weapon, corrosive substance, explosive or missile so seized shall be forfeited to the Provincial Government.]

[6][(*1A*) In the absence of the Magistrate of the district a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf having jurisdiction in any town or village and present therein or in the neighbourhood thereof may similarly issue a prohibitory order of the nature referred to in sub-section (*1*) which shall have operation in such town or village and the vicinity thereof.]

Any one of several Magistrates having jurisdiction may issue order.

(*2*) If in any town or village or the vicinity thereof there are two or more Magistrates of the First Class having jurisdiction therein, a prohibition as aforesaid may be made by any one of them.

Orders by subordinate Magistrate to be communicated to the District Magistrate.

(*3*) An order made under this section by a subordinate Magistrate shall be forthwith communicated to the Magistrate of the district, who shall thereupon confirm, cancel or modify the same as shall seem expedient.

Issue of orders by Magistrate of the district for prevention of riot or grave disturbance of the peace.

43. In order to prevent an impending or apprehended riot or grave disturbance of the peace the Magistrate of the district may temporarily close or take possession of any building or place and may exclude all or any persons therefrom or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such order as the Magistrate may make and notify in the exercise of the authority hereby vested in him.

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1 The words "or in his absence and subject to his order the Magistrate of the First Class having jurisdiction in any town or village and present therein or in the neighbourhood thereof", were omitted by Bom. 9 of 1931, s. 2 (*1*) (*a*).

2 The word "any" was substituted for the word "such", *ibid.*, s. 2 (*1*) (*b*).

3 These words were inserted by Bom. 6 of 1947, s. 28 (*1*).

4 These words were inserted by Bom. 3 of 1898, s. 10.

5 These words were added by Bom 59 of 1947, s. 3 (*6*).

6 Sub-section (*1A*) was inserted by Bom. 9 of 1931, s. 2 (*2*).

44. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street as to which or the conduct of or participation in which it shall appear to the Magistrate of the district that a dispute or contention exists which is likely to lead to grave disturbance of the peace, such Magistrate may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the town or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Issue of orders by Magistrate of the district for maintenance of order at religious ceremonials, etc.

(*2*) Any order made under the foregoing sub-section shall be subject to a decree, injunction or order made by a Court having jurisdiction and shall be recalled or altered on its being made to appear to the Magistrate of the district that such order is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or an application of any person interested as to the rights and duties of any person affected by the order aforesaid.

Orders to be subject to decrees, etc., of Courts.

45. (*1*) Whenever it shall appear to the Magistrate of a district that any place in the district, at which, on account of a fair, pilgrimage or other such occurrence, large bodies of persons have assembled, or are likely to assemble, is visited or will probably be visited with an outbreak of any epidemic disease, he may take such special measures and may by public notice prescribe such regulations to be observed by the residents of the said place and by persons present thereat or repairing thereto or returning therefrom as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

District Magistrate may take special measures to prevent outbreak of epidemic disease at fair, etc.

(*2*) It shall be lawful for the Magistrate of the district or for the Collector on the requisition of the Magistrate of the district, subject to the orders of [1][the Commissioner], to assess and levy such reasonable fees on persons falling under the provisions of sub-section (*1*) as will provide for the expenses of the arrangements for sanitation and the preservation of order at and about the place of assemblage.

Levy of fees in such cases.

(*3*) When the place of assemblage is within the limits of a municipality such sums as shall be necessary for the purposes aforesaid may be recovered from the municipality.

Recovery of expenses from municipalities.

*46. [2][(*1*)] Whenever it shall appear to the Magistrate of a district or to any Sub-Divisional Magistrate that the movement or encampment of any gang or body of persons in the district is causing or is calculated to cause danger or alarm or reasonable suspicion that unlawful designs are entertained by such gang or body or by members thereof, such Magistrate may, by notification addressed to the persons appearing to be the leaders or chief men of such gang or body and published by beat of drum or otherwise as such Magistrate thinks fit, direct the members of such gang or body so to conduct themselves

Dispersal of gangs and bodies of persons.

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[1] These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] Section 46 was renumbered as sub-section (*1*) of that section by Bom. 21 of 1933, s. 4 (*i*).

* Section 9 of Bom. XVI of 1946 runs as follows:—

Saving of directions made under section 46 (2) of Bom. IV of 1890.—Nothing contained in this Act shall affect the validity of any direction made before the commencement of this Act under sub-section (*2*) of section 46 of the Bombay District Police Act, 1890 (Bom. IV of 1890) prohibiting the entry of any person into Greater Bombay, and a contravention of such direction shall be deemed to be a contravention of a direction made by the Commissioner of Police under sub-section (*2A*) of section 27 of the City of Bombay Police Act, 1902 (Bom. IV of 1902).

as shall seem necessary in order to prevent violence and alarm, or to disperse and each of them to remove himself [1][outside the Province or to such place within the Province and] by such route [2][and within such time] as such Magistrate shall prescribe [3][and not to enter the Province or, as the case may be, the district.]

Special provisions respecting local areas.

[4][(2) Nothing in sub-sections (3) to (5) shall apply to any local area except the Thana District unless the Provincial Government, if in its opinion it is necessary or expedient so to do, by notification in the *Official Gazette* directs that the provisions of the said sub-sections shall apply to it.

Removal of persons about to commit offences.

(3) Where it appears to the Magistrate of a district or to any Sub-Divisional Magistrate that the movements or acts of any person in the district are causing or calculated to cause alarm, danger or harm to person or property, or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or in the abetment of any such offence, and when in the opinion of the Magistrate witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, the Magistrate may by an order in writing duly served on him or by beat of drum or otherwise as he thinks fit direct such person to remove himself outside the Province or to such place within the Province and by such route and within such time, as the Magistrate may prescribe [5][and not to enter the Province or, as the case may be, the district.] XLV of 1860.

Removal of persons convicted of certain offences.

(4) The Magistrate of a district or a sub-divisional Magistrate may also by order direct any person who, not having been born in the district, has been convicted of any offence punishable [6][under—

(i) Chapter XII, XVI or XVII of the Indian Penal Code, XLV of 1860.

[7][(ii) section 65 or 68 of the Bombay Prohibition Act, 1949,] Bom. XXV of 1949.

(iv) Chapter III of the Dangerous Drugs Act, 1930 or II of 1930.

(v) section 4 or 12A of the Bombay Prevention of Gambling Act, 1887,] Bom. IV of 1887.

to remove himself in like manner from the district and not to enter the same.

Decision of Magistrate regarding the place of birth final.

(5) For the purposes of sub-section (4) the decision of the Magistrate of the district or the sub-divisional Magistrate that a person has or has not been born in the district shall be final.]

Removal of habitual offenders.

[8][(6) The Magistrate of a district or a sub-divisonal Magistrate may also by an order in writing duly signed in the manner prescribed in sub-section (3) direct any person who [9][has been twice convicted of an offence under

1 These words were substituted for the words "to such place" by Bom. 16 of 1946, s. 3 (a).

2 These words were inserted by Bom. 21 of 1933, s. 4 (ii).

3 These words were added by Bom. 34 of 1948, s. 2 (4) (a).

4 Sub-sections (2) to (5) were substituted for the original sub-sections (2) to (6) by Bom. 16 of 1946, s. 3 (b).

5 These words were added by Bom. 34 of 1948, s. 2 (4) (b).

6 This portion was substituted for the original by Bom. 63 of 1948 s. 2 (1) (a).

7 This clause was substituted for the original clauses (ii) and (iii) by Bom. 25 of 1949, s. 142 and schedule II.

8 Sub-section (6) was inserted by Bom. 59 of 1947, s. 3 (7) (ii).

9 These words and figures were inserted by Bom. 63 of 1948, s. 2 (1) (b) (i).

Bom. XXIII of 1945. Bom. XI of 1923. Bom. XXV of 1949. II of 1930. Bom. IV of 1887.

section 6, 9 or 23 of the Bombay Beggars Act, 1945, or under the Bombay Prevention of Prostitution Act, 1923 or who has been thrice convicted within a period of three years of any offence punishable [1][under the Bombay Prohibition Act, 1949,] or the Dangerous Drugs Act, 1930, or section 4 or 12A of the Bombay Prevention of Gambling Act, 1887, to remove himself in like manner from the district and not to enter the same.]

Hearing to be given before order under sub-section (1), (3) or (4) of section 46 is passed.

[2][46A. (1) Before an order under sub-section (1), (3) or (4) of section 46 is passed against any person, the Magistrate of the district or the sub-divisional Magistrate, as the case may be, or any officer authorised by him, not being below the rank of an Assistant or Deputy Superintendent, shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the Magistrate of the district or the sub-divisional Magistrate or such officer shall grant such application and examine such witness, unless for reasons to be recorded in writing, he is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the Magistrate of the district, the sub-divisional Magistrate or the said officer by an advocate or attorney for the purpose of tendering his explanation and examining the witnesses produced by him.

(2) The Magistrate of the district, the sub-divisional Magistrate or the officer authorised under sub-section (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under sub-section (1), (3) or (4) of section 46 exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898. After such person is brought before the Magistrate, the Magistrate may release him on bail with or without sureties or may from time to time authorize his detention in such custody as he thinks fit for a period not exceeding fifteen days at a time.

V of 1898.

(3) Any person aggrieved by an order made by the Magistrate under sub-section (1), (3) or (4) of section 46 may appeal to the Provincial Government within thirty days from the date of such order.

(4) An order passed by the Magistrate under sub-section (1), (3) or (4) of section 46 or by the Provincial Government under sub-section (3) of this section shall not be called in question in any Court except on the ground that the Magistrate or the officer authorised by him under sub-section (1) had not followed the procedure laid down in the said sub-section or that there was no material before the Magistrate upon which he could have based his order or on the ground that the Magistrate was not of opinion that witnesses were unwilling to come forward to give evidence in public against the person in respect of whom an order was made under sub-section (3) of section 46.

[1] These words and figures were substituted for the words and figures "under the Bombay Abkari Act, 1878, or the Opium Act, 1878" by Bom. 25 of 1949, s. 148, Schedule II.

[2] Sections 46A to 46D were inserted by Bom. 16 of 1946, s. 4.

Proclamation of emergency.

[1]46B. (*1*) The Provincial Government may, if satisfied that the public peace or tranquillity in a district or in any part thereof is disturbed or is likely to be disturbed in consequence of a conflict between different communities or sections thereof or gangs or factions, declare, by a proclamation (hereinafter referred to as "proclamation of emergency") in the *Official Gazette* that an emergency exists.

(*2*) A proclamation of emergency—

(*i*) may at any time be revoked by a subsequent proclamation,

and

(*ii*) shall cease to operate at the expiry of one month, unless before the expiry of that period it has been renewed.

(*3*) After the Provincial Government has under sub-section (*1*) issued a proclamation of emergency, the Magistrate of the district, whenever it appears to him that the presence, movements or acts of any person in the district is or are causing or calculated to cause danger or alarm, or that a reasonable suspicion exists that designs calculated to disturb public peace or tranquillity are entertained by such person, may—

(*i*) by an order in writing duly served on him or beat of drum or otherwise, as he thinks fit, direct such person

(*a*) so to conduct himself as the Magistrate shall deem necessary in order to prevent the disturbance of the peace

or

(*b*) to remove himself outside the Province or to such place within the Province and by such route, and within such time, as the Magistrate shall prescribe; [2][and not to enter the Province or, as the case may be, the district]

or

(*ii*) by an order in writing direct that he be detained for a period not exceeding fifteen days at a time:

Provided that the total period of detention shall not without the order of the Provincial Government in any case exceed two months:

Provided further that any order made under this section shall cease to have effect on the proclamation of emergency ceasing to operate.

(*4*) The Magistrate shall forthwith submit to the Provincial Government a copy of every order of detention made under sub-section (*3*) together with the grounds on which it is made.

(*5*) So long as there is in force in respect of any person an order of detention passed under sub-section (*3*), he shall be liable to be detained in such place in the Province and under such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Provincial Government may from time to time prescribe by rules made in this behalf.

Non-disclosure of source of information.

[1]46C. Nothing contained in section 46A or 46B shall require the Magistrate or any officer to disclose—

(*a*) to the person against whom an order is made under sub-section (*1*), (*3*) or (*4*) of section 46 or sub-section (*3*) of section 46B,

or

(*b*) to the Court,

the sources of his information or any fact the communication of which might, in the opinion of the Magistrate or officer, lead to the disclosure of the identity of any person or property.

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[1] Sections 46A to 46D were inserted by Bom. 16 of 1946, s. 4.

[2] These words were added by Bom. 34 of 1948, s. 2 (*5*).

[1]46D. (*1*) If a person to whom direction has been issued under section 46 or 46B to remove himself from a district— **Procedure on failure of person to leave district and his entry therein after removal.**

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself, except with the permission in writing of the Magistrate of the district or the sub-divisional Magistrate, as the case may be, enters the district—

(*a*) if the direction was issued under sub-section (*1*) of section 46, within two years from the date of his removal,

(*b*) if the direction was issued under sub-section (*3*) or (*4*) of section 46, at any time,

(*c*) if the direction was issued under sub-section (*3*) of section 46B, during the continuance of the proclamation of emergency,

the Magistrate may cause him to be arrested and removed in police custody to such place outside the district as the Magistrate may in each case prescribe.

(*2*) Notwithstanding anything contained in sub-section (*1*) any person [2][(*i*) who enters] a district in the circumstances specified in clause (*ii*) thereof, or after having been removed therefrom under the provision of the said clause, [3][or (*ii*) who in contravention of a direction issued under section 46 or 46B, enters any place in the Province] shall be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing, be less than six months, and shall also be liable to fine.]

47. (*1*) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any public place of amusement or at any assembly or meeting to which the public are invited or which is open to the public, the senior police-officer of highest rank superior to that of constable, present [4][at] such place of amusement [5]* * * or such assembly or meeting [5]* * * * * may, subject to such rules and orders as may have been lawfully made, give such reasonable directions as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of the proceedings [6][and the maintenance of the public safety] at, such place of amusement or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction. **Police to provide against disorder, etc., at public places of amusement and public meetings.**

(*2*) The police shall have free access to every such place of amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder. **Police to have free access thereto.**

48. (*1*) The District Superintendent or an Assistant [7][or Deputy] Superintendent may, subject to any rule or order which may at any time be legally made by any Magistrate, or other authority duly empowered in this behalf— **Police to regulate assemblies, etc., in public streets.**

(*a*) make rules for and direct the conduct of [8][and behaviour or action of persons constituting] assemblies and processions and moving

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[1] Sections 46A to 46D were inserted by Bom. 16 of 1946, s. 4.

[2] These brackets, figure and words were substituted for the word "entering" by Bom. 34 of 1948, s. 2 (*6*) (*i*).

[3] These words, brackets and figures were inserted, *ibid.*, s. 2(*6*) (*ii*).

[4] The word "at" was substituted for the words "in the town or village where" by Bom. 5 of 1913, s. 1.

[5] The words "is situate" and the words "is to be held" were repealed, *ibid.*

[6] These words were inserted, *ibid.*

[7] These words were inserted by Bom. 1 of 1910, s. 2 and Sch. I.

[8] These words were inserted by Bom. 8 of 1898, s. 11.

crowds or assemblages on or along the streets, and prescribe in the case of processions, the routes by which, the order in which and the times at which the same may pass;

(*b*) regulate and control, by the grant of licences or otherwise, the playing of music, the beating of drums, tom-toms or other instruments and the blowing or sounding of horns or other noisy instruments in or near a street;

(*c*) make reasonable orders subordinate to and in furtherance of any order made by a Magistrate under sections 39-46 of this Act.

Manner of publication of such rules and orders.

(*2*) Every rule and order made under this section shall be published at or near the place where it is to operate, or shall be notified to the person affected thereby, and all persons concerned shall be bound to act conformably thereto.

Provisions as to dogs.

49. (*1*) The Magistrate of the district may, by public notice, extending to such place or places within the district as shall therein be named require every dog, while in the streets and not led by some person, to be muzzled in such a manner as will admit of the animal breathing and drinking without obstruction and effectually prevent it from biting, and the police may, except as is hereinafter in sub-section (*2*) provided, destroy any dog found loose in any place beyond the premises of the owner thereof during the currency of such order, or may take possession of any such dog and detain the same until the owner has claimed it, has provided a proper muzzle, and has paid all expenses connected with such detention.

When dogs may be destroyed or sold by the police.

(*2*) The police shall not destroy any dog which wears a collar bearing a known owner's name, unless such dog is rabid, until the same has remained in their possession for three clear days without the owner claiming it and paying all expenses incurred by its detention; but may sell or destroy any dog which has remained in their possession for the said period without the owner claiming it and paying the said expenses.

How expenses may be recovered.

(*3*) For the expenses incurred under the preceding sub-sections the owner of the dog shall be answerable as for an arrear of land-revenue.

Provisions in case of dog wearing a collar with owner's address.

(*4*) When any dog taken possession of by the police wears a collar with apparently genuine address of any person inscribed thereon, a letter stating the fact of such dog having been taken possession of shall be forthwith sent by post to the said address.

Powers under this Chapter to be exercised by District Superintendent subject to control of District Magistrates and by District Magistrates subject to control of Provincial Government.

50. Every power conferred by this Chapter on a District Superintendent or officer subordinate to him shall be exercised by him subject to the orders of the Magistrate of the district, and all rules, regulations and orders made by the Magistrate of the district under this Chapter shall be subject to the provisions of section 13 (*2*).

CHAPTER V.

EXECUTIVE POWERS AND DUTIES OF THE POLICE.

Duties of police-officer.

51. (*1*) Every police-officer shall—

(*a*) promptly obey and execute every warrant or other order lawfully issued to him by competent authority; and shall by all lawful means endeavour to give effect to the commands of his superior;

(*b*) to the best of his ability, obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and lay such information and take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of offences;

(*c*) to the best of his ability, prevent the commission of public nuisances;

(*d*) apprehend all persons whom he is legally authorized to apprehend and for whose apprehension there is sufficient reason;

(*e*) aid another police-officer when called on by him or in case of need in the discharge of his duty in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) discharge such duties as are imposed upon him by any law relating to revenue or other law at the time in force.

Power to enter places of public resort.

(*2*) Every police-officer may, subject to the rules and orders made by [1][the Provincial Government] or by a person lawfully authorized, enter for any of the said purposes, without a warrant, and inspect any place of public resort and any place which he has reason to believe is used as a drinking-shop, or a shop for the sale of intoxicating drugs or a place of resort of loose and disorderly characters.

Power to search suspected persons in a street.

(*3*) When in a street or place of public resort a person has possession or apparent possession of any article which a police-officer in good faith suspects to be stolen property, such police-officer may search for and examine the same and may require an account thereof, and, should the account given by the possessor be manifestly false or suspicious, may detain such article and report the facts to a Magistrate, who shall thereon proceed according to sections 523 and 525 of the [2]Code of Criminal Procedure or other law in force.

X of 1882.

Power to arrest without warrant.

[3][51AA. A police officer may arrest without warrant any person who—

(*a*) contravenes an order made under section 42 or 46, or

(*b*) commits an offence punishable under section 61D or 65A.]

When police may arrest without a warrant.

[4][51A. Any police-officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 3, [5][3A], 4, 5, [6][6 or 6C] of the Prevention of Cruelty to Animals Act, 1890.]

XI of 1890.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of the Indian Laws Order in Council.

[2] *See* now Act 5 of 1898.

[3] Section 51AA was inserted by Bom. 59 of 1947, s. 3 (*8*).

[4] Section 51A was inserted by Bom. 11 of 1927, s. 4.

[5] The figure and letter were inserted by Bom. 28 of 1946, s. 5.

[6] The figures and letter were substituted for the original, *ibid.*

Powers with regard to offences under Act XI of 1890.

[1][51B. (*1*) When in respect of an animal an offence under section 3 or section 5 [2][or sub-section (*1*) of section 6] of the Prevention of Cruelty to Animals Act, 1890, hereinafter in this section referred to as the said Act has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, any police-officer may— XI of 1890.

(*a*) take the animal to a Magistrate, or

(*b*) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the [3][Provincial Government] in this behalf, or

(*c*) take the animal to an infirmary appointed under sub-section (*2*) of section 6 of the said Act for treatment and detention therein, pending direction of a Magistrate under sub-section (*3*) of the said section, or

(*d*) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises, or other marks of injury as may be found on the body of the animal:

[4][Provided that in cases falling under clause (*b*) or (*d*), the police-officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by [5][the Provincial Government] by general or special order and be there detained until its production before a Magistrate:

Provided further that an animal so detained shall be produced before a Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Magistrate passes an order for its further detention in an infirmary.]

(*2*) When an animal is brought before a Magistrate under clause (*a*) of sub-section (*1*), the Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or, may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (*3*) of section 6 of the said Act, or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

(*3*) The veterinary officer before whom an animal is brought under clause (*b*) of sub-section (*1*) shall with all convenient speed, examine the same and draw up a report of such examination. A copy of the report shall be delivered [6][free of charge] to the accused person if he applies for it [7]* * *

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[1] Section 51B was inserted by Bom. 24 of 1930, s. 11.

[2] These words, brackets and figures were inserted by Bom. 21 of 1936, s. 2 (*1*) (*a*).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] These provisos were added by Bom. 21 of 1936, s. 2 (*1*)(*b*).

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] The words "free of charge" were inserted by Bom. 21 of 1936, s. 2 (*2*) (*i*).

[7] The words "on payment of such fee as Government prescribe" were omitted, *ibid.*, s. 2 (*2*) (*ii*).

(4) When [1][under sub-section (1) a police-officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Magistrate or] under sub-section (2) a Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (5), (6), (7) and (8) of section 6 of the said Act shall, so far as may be, apply.

(5) When a police-officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.]

Duties of police-officers towards the public.

52. It shall be the duty of every police-officer—

(a) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(b) to take prompt measures to procure necessary help for any person under arrest or in custody, who is wounded or sick, and, whilst guarding or conducting any such person, to have due regard to his condition;

(c) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(d) in conducting searches, to refrain from needless rudeness and the causing of unnecessary annoyance;

(e) in dealing with women and children, to act with strict regard to decency and with reasonable gentleness;

(f) to use his best endeavours to prevent any loss or damage by fire;

(g) to use his best endeavours to avert any accident or danger to the public.

Police to regulate traffic, etc., in streets; to keep order in the streets and other public places; and to regulate resort to public places.

53. (1) It shall be the duty of a police-officer—

(a) to regulate and control the traffic in the streets, to prevent obstructions therein and, to the best of his ability, to prevent the infraction of any rule or order made under this Act or any other law in force for observance by the public in or near the streets;

(b) to keep order in the streets and at and within public bathing, washing and landing places, fairs, temples and all other places of public resort and in the neighbourhood of places of public worship during the time of public worship;

(c) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry-boats and, to the best of his ability, to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat.

Persons bound to conform to reasonable orders of police.

(2) All persons shall be bound to conform to the reasonable directions of police-officer given in fulfilment of any of the said duties.

[1] These words, brackets and figure were inserted, by Bom. 21 of 1936, s. 2 (3).

Police-officer may restrain or remove contumacious person.

(3) A police-officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid, and may either take such person before a Magistrate or, in trivial cases, may release him when the occasion is past.

Enforcement of orders issued under section 42, 43 or 44.

54. Whenever a notification has been duly issued under section 42, or an order has been made under section 43 or 44, it shall be lawful for any Magistrate or police-officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and, in case of refusal or disobedience, to arrest the person offending. Such Magistrate or police-officer may also seize any object or thing used or about to be used in contravention of such notification, or order as aforesaid, and the thing seized shall be disposed of according to the order of any Magistrate having jurisdiction at the place.

Duty of the police to see orders issued under section 45 or 46 carried out.

55. It shall be the duty of the police to see that every regulation and notification made by the Magistrate of the district under section 45, or by the Magistrate of the district or a sub-divisional Magistrate under section 46, is duly obeyed to warn persons who from ignorance fail to obey the same and to arrest any person who wilfully disobeys the same.

Police-officer may take charge of stray cattle.

56. A police-officer may take charge of any animal falling under the provisions of the [1]Cattle Trespass Act which may be found straying in a street, and may take or send the same to the nearest pound, and the owner and other persons concerned shall thereon become subject to the provisions of the said Act. I of 1871.

Duty of police with regard to unclaimed property.

57. The police shall take temporary charge of all unclaimed property found by or made over to them; and shall deliver all such property to the police-patel, if any, of the town or village in which the same was found, and take a receipt therefor from the patel, who shall forward such property to the Magistrate to whom such police-patel is subordinate. If in any such case there be no police-patel of such town or village, the police shall forthwith report to such Magistrate as the Magistrate of the district shall, from time to time, appoint in this behalf, and act thereafter as the said first-mentioned Magistrate shall direct.

Procedure by Magistrate when property exceeds ten rupees in value.

58. (1) If the property regarding which a report is made to a Magistrate under the last preceding section or under section 19 of the Bombay Village Police Act, 1867, appears to such Magistrate to have been left by a person who has died intestate and without known heirs and to be likely, if sold in public auction, to realize more than ten rupees net proceeds, he shall communicate with the District Judge with a view to its being dealt with under the provisions of section 10 of Regulation [2]VIII of 1827 (*a Regulation to provide for the formal recognition of heirs, etc.*) or other law in force. Bom. VIII of 1867. Bom. Reg. VIII of 1827.

Procedure in other cases.

(2) In any other case the Magistrate shall issue a proclamation specifying the articles of which such property consists and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation. If no person within such period establishes his claim to such property, it shall be at the disposal of [3][the Provincial Government], and may be sold in public auction under the orders of the Magistrate.

[1] Central Acts.

[2] *Supra.*

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(3) The provisions of section 10 of the Regulation aforesaid shall be deemed not to apply to intestate property which is dealt with by a Magistrate under sub-section (2).

Power to sell perishable property at once.

59. If the property regarding which a report is made as aforesaid is subject to speedy and natural decay or consists of live-stock or appears to be of less value than five rupees, the Magistrate may at once direct it to be sold in public auction, and the provisions of the last preceding section shall, as nearly as may be practicable, apply to the net proceeds of such sale.

A superior police-officer may himself perform duties imposed on his inferior, etc.

60. A police-officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him; and in case of any duty imposed on such subordinate, a superior, where it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority, whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

CHAPTER VI.

OFFENCES AND PUNISHMENTS.

Punishment of certain street offences and nuisances;

[1]**61.** [2][In any local area to which the [3][Magistrate of the district] by notification from time to time, [4][and subject to the orders of the Commissioner] extends this section or any part thereof,—

(1) whoever contrary thereto—]

[5](a) * * * * * *

disregarding the rule of the road;

[6][(b) drives a vehicle of any description along a street and except in cases of actual necessity or of some sufficient reason, for deviation, does not keep on the left side of such street and when passing any other vehicle proceeding in the same direction does not keep on the right side of such vehicle];

leaving cattle, etc., insufficiently tended;

(c) leaves in any street insufficiently tended or secured any animal or vehicle;

causing obstruction or mischief by animal;

(d) causes obstruction, injury, danger, or alarm in any street, or mischief by any misbehaviour, negligence or ill-usage in the driving, management or care of any animal or vehicle, or by driving any vehicle or animal laden with timber, poles, or other unwieldy articles through a street, contrary to any regulation made in that behalf and published by the Magistrate of the district;

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[1] For extension of s. 61 to certain local areas in certain Districts, *see* Bombay Local Rules and Orders. For extension of certain clauses of s. 61 to certain local areas and villages in certain Districts,— *see ibid.*

[2] These words, figure and brackets were substituted for the words "In any local area to which the Commissioner by notification from time to time extends this section or any part thereof, whoever contrary thereto—" by Bom. 24 of 1930, s. 12 (a).

[3] The words "Magistrate of the district" were substituted for the word "Commissioner" by Bom. 7 of 1933, s. 2 (1).

[4] These words were inserted, *ibid.*, s. 2 (2).

[5] Sub-clause (a) of clause (1) was omitted, *ibid.*, s. 2 (3).

[6] This clause was substituted for the original clause (b) by Bom. 4 of 1912, s. 7.

exposing animal for hire or sale, etc.;

(*e*) exposes for hire or sale any animal or vehicle, cleans any furniture or vehicle, or cleans, grooms, trains or breaks in any horse or other animal or makes or repairs any vehicle or any part of a vehicle in any street (unless when in the case of an accident repairing on the spot is necessary) or carries on therein any manufacture or operation so as to be a serious impediment to traffic or a serious annoyance to residents or to the public;

causing any obstruction in a street;

(*f*) causes obstruction in any street by allowing any animal or vehicle which has to be loaded or unloaded, or to take up or set down passengers, to remain or stand therein longer than may be necessary for such purpose, or by leaving any vehicle standing or fastening any cattle therein, or using any part of a street as a halting place for vehicles or cattle, or by leaving any box, bale, package or other thing whatsoever in or upon a street for an unreasonable length of time or contrary to any regulation made and published by the Magistrate of the district, by exposing anything for sale or setting out any thing for sale in or upon any stall, booth, board, cask, basket or in any other way whatsoever causes obstruction;

obstructing a footway;

[1] [(*g*) drives, rides or leaves on any footway any animal or drives or draws any vehicle thereupon or fastens any animal so that the same can stand across or upon such footway];

exhibiting mimetic, musical or other performances, etc.;

(*h*) exhibits, contrary to any regulation made and notified by the Magistrate of the district, any mimetic, musical or other performances of a nature to attract crowds, or carries or places bulky advertisements, pictures, figures or emblems in any street whereby an obstruction to passengers or annoyance to the inhabitants may be occasioned;

[2] [(*i*) * * * * * * * * * * *

doing offensive acts on or near public streets;

(*j*) slaughters any animal, cleans a carcass or hide, obeys a call of nature or causes a child to do so, or bathes or washes his person in or near to and within sight of a street (except in some place set apart for the purpose by order of the District Magistrate or some other person having lawful authority in that behalf) so as to cause annoyance to the neighbouring residents or to passersby;

letting loose horses, etc., and suffering ferocious dogs to be at large;

(*k*) negligently lets loose any horse or other animal, so as to cause danger injury, alarm or annoyance, or suffers a ferocious dog to be at large without a muzzle, or sets on or urges a dog or other animal to attack, worry or put in fear any person or horse or other animal;

bathing or washing in places not set apart for those purposes;

(*l*) bathes or washes in or by the side of a public well, tank, or reservoir, not set apart for such purpose by order of the Magistrate of the district or of some other person having lawful authority in that behalf, or in or by the side of any pond, pool, aqueduct, part of a river, stream, nala or other source or means of water-supply in which such bathing or washing is forbidden by order of the Magistrate of the district or other person having lawful authority in that behalf;

defiling water in public wells, etc.;

(*m*) defiles, or causes to be defiled, the water in any public well, tank, reservoir, pond, pool, aqueduct or part of a river, stream, nala or other source or means of water-supply, so as to render the same less fit for any purpose for which it is set apart as aforesaid;

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[1] Clause (*g*) was substituted for the original clause by Bom. 24 of 1930, s. 12 (*c*).

[2] Sub-clause (*i*) was deleted by Bom. 34 of 1948, s. 2 (7) (*a*).

(*n*) obstructs or incommodes a person, bathing at a place set apart for that purpose as aforesaid, by wilful intrusion or by using such place for any purpose for which it is not so set apart; obstructing bathers;

(*o*) wilfully and indecently exposes his person, uses indecent language or behaves indecently or riotously or in a disorderly manner in a street or place of public resort, or in any public office, station or station-house; behaving indecently in public;

[1](*p*)* * * * * * *

(*q*) wilfully pushes, presses, hustles, or obstructs any passenger in a street, or by violent movements, menacing gestures, wanton personal annoyance, screaming, shouting, wilfully frightening horses, or cattle or otherwise disturbs the public peace or order; obstructing or annoying passengers in the street;

(*r*) uses in any street any threatening, abusive or insulting words or behaviour with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned. misbehaviour with intent to provoke a breach of the peace;

[2](*s*)* * * * * * *

shall be punished with fine which may extend to fifty rupees [3][or may be released after due admonition];

* [4][(*2*) whoever contrary thereto begs importunately for alms or directs or permits children under his control to beg for alms, or exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound, in or near to and within sight of any street shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both]; begging and exposing offensive ailments.

[5][(*3*) whoever contrary thereto assembles with others or joins any assembly in a street assembled for the purpose of gaming or wagering shall be punished— Gambling in streets.

(*i*) for a first offence, with imprisonment for a term which may extend to one month and shall also be liable to fine, and

(*ii*) for a subsequent offence, with imprisonment for a term which may extend to six months and shall also be liable to fine.]

61AA. [*Punishment for being drunk and for disorderly behaviour.*] *Repealed by Bom. XXV of 1949, s. 148 and Schedule II.*

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[1] Sub-clause (*p*) was deleted by Bom. 59 of 1947, s. 8 (*9*).

[2] Sub-clause (*s*) was omitted by Bom. 24 of 1930, s. 12 (*d*).

[3] These words were added by Bom. 16 of 1931, s. 2.

[4] Clause (*2*) was inserted by Bom. 24 of 1930, s. 12 (*e*).

* On the date on which the Bombay Beggars Act, 1945, read with section 2 of Bom. 53 of 1947, comes into force in any area outside Greater Bombay, this clause shall be repealed in its application to the said area [*vide* Bom. 23 of 1945, s. 34 (*2*)].

[5] Clause (*3*) was inserted by Bom. 34 of 1948, s. 2 (*7*) (*b*).

Special provisions respecting cattle habitually allowed to stray.

[1][61A. (1) Where it appears to [2][the Provincial Government,] from the report of the Magistrate of a district or on the representation of a local authority, that in any local area subject to the jurisdiction or control of such Magistrate or authority cattle are habitually allowed to stray and that such cattle trespass on land and damage crops or other produce thereon, [2][the Provincial Government] may by notification direct that the provisions of this section shall have operation in such local area. In such notification [2][the Provincial Government] may direct that this section shall apply to cattle generally or to such kind or kinds of cattle as may be specified in the notification, and the provisions of this section shall in such local area be read and construed accordingly.

(2) In any local area in which this section is in operation, any person who, through neglect or otherwise, fails to keep in confinement or under restraint between one hour after sunset and sunrise any cattle which are his property or in his charge shall be punished with fine which may extend to one hundred rupees or, on a second or any subsequent conviction, with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both.

Explanation.—Cattle shall not be deemed to be kept in confinement within the meaning of this sub-section unless they are effectively confined within a fence, wall or other enclosure and shall not be deemed to be kept under restraint within the meaning of this sub-section unless they are effectively restrained by means of a rope or other attachment.

(3) Any person may seize any cattle not being kept in confinement or under restraint as required by this section and may take or send the same to the nearest cattle-pound, and the owner and other persons concerned shall thereon become subject to the provisions of the [3]Cattle-Trespass Act, 1871. All officers of police and all police-patels and all members of the village police shall, when required, aid in preventing resistance to such seizures and rescues from persons making such seizures. I of 1871.

(4) Any fine imposed under this section may, without prejudice to any other means of recovery provided by law, be recovered by sale of all or any of the cattle in respect of which the offence was committed, whether they are the property of the person convicted of the offence or were only in his charge when the offence was committed.]

Wilful trespass.

[4][61B. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to [5][the Crown] or appropriated to public purposes or on any boat or vessel, shall, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

False alarm of fire or damage to fire-alarm.

61C. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of a municipality or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise

[1] This section was inserted by Bom. 9 of 1918, s. 2.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] Central Acts.

[4] Sections 61B, 61C, 61D and 61E were inserted by Bom. 24 of 1930, s. 13.

[5] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

damages, a street fire-alarm, shall be punished with imprisonment of either description for a term which may extend to three months or with fine which may extend to one hundred rupees or with both.

Being found under suspicious circumstances between sunset and sunrise.

61D. Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking shall be punished with imprisonment for a term which may extend to three months.

Carrying weapon without authority.

[1][**61DD.** Whoever not being a member of His Majesty's forces and acting as such or a police officer, goes armed with any sword, spear, bludgeon, gun or other offensive weapon, in any street or public place, unless by lawful authority, shall be liable to be disarmed by any police officer, and the weapon or weapons so seized shall be forfeited to the Provincial Government, unless redeemed within two months by payment of such fine not exceeding five hundred rupees as the Magistrate of the district imposes.]

Possession of property of which no satisfactory account can be given.

61E. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees.]

Punishment for cruelty to animals.

62. (*1*) Whoever cruelly beats, goads, overworks, ill-treats or tortures or causes or procures to be cruelly beaten, goaded, overworked, ill-treated or tortured any animal, shall be punished with imprisonment which may extend to one month or with fine which may extend to one hundred rupees, or with both.

(*2*) Jurisdiction in cases arising under this section shall not be exercised by a Magistrate of lower rank than the [2][second] class unless such Magistrate be specially invested with jurisdiction for that purpose by [3][the Provincial Government].

Penalty for vexatious search, arrest, etc., by the police.

63. Any police-officer who,—

(*a*) without lawful authority or reasonable cause enters or searches or causes to be entered or searched any building, vessel, tent or place ; or

(*b*) vexatiously and unnecessarily seizes the property of any person ; or

[1] Section 61DD was inserted by Bom. 59 of 1947, s. 3 (*11*).

[2] This word was substituted for the word "first" by Bom. 3 of 1915, s. 2 and Sch. I.

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*c*) vexatiously and unnecessarily detains, searches or arrests any person ; or

(*d*) offers any unwarrantable personal violence to any person in his custody ;

(*e*) holds out any threat or promise not warranted by law to a person accused ;

shall for every such offence be punished with imprisonment for a term not exceeding two months or with fine which may extend to five hundred rupees, or both.

Penalty for vexatious delay in forwarding a person arrested.

64. Any police-officer who vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person shall be punished with fine which may extend to two hundred rupees.

Penalty for contravention of rules under section 39 or section 39A or of directions under section 53.

65. Whoever—

(*a*) contravenes any rule [1][or order] made under section 39 [2][or [3][any rule made under] section 39A] ; or

(*b*) opposes or fails to conform to any direction given by the police under section 53 ;

(*c*) abets the commission of any offence under clause (*a*) or (*b*) ;

shall be punished with fine which may extend to fifty rupees.

Penalty for contravening rules under section 39AB.

[4][65AA. Whoever contravenes any rule made under section 39AB shall, on conviction, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both].

Penalty for contravening rules made under section 39C.

[5][65A. Whoever contravenes the provisions of any rule made under section 39C shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to Rs. 200 or with both.]

Penalty for contravening rules, etc., under section 40.

66. Whoever contravenes any rule made under section 40 or any condition of any licence granted under the said rules shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to comply with order under section 41.

67. Whoever fails to comply with an order made under section 41 shall be punished with fine which may extend to twenty-five rupees for every day that such order continues to be disobeyed by him.

Penalty for contravention of rules or directions under sections 42, 43, 44, 47 and 48.

[6][68. (*1*) Whoever disobeys an order lawfully made under section 42, 43 or 44 or abets the disobedience thereof shall be punished with imprisonment for a term which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months and shall also be liable to fine.

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[1] These words were inserted by Bom. 16 of 1946, s. 5.

[2] These words, figures and letter were inserted by Bom. 4 of 1912, s. 8.

[3] These words were inserted by Bom. 16 of 1946, s. 5.

[4] This section was inserted by Bom. 59 of 1947, s. 3 (*12*).

[5] Section 65A was inserted by Bom. 16 of 1946, s. 6.

[6] This section was substituted for the original, *ibid*, s. 7.

(2) Whoever—

(a) opposes or fails to conform to any direction given by the police under section 47;

or

(b) opposes or disobeys any rule made or direction given by the police under section 48;

or

(c) contravenes any condition of a licence granted under clause (b) of the said section 48;

or

(d) abets the commission of any offence under clause (a), (b) or (c) of this sub-section;

shall be punished with fine which may extend to two hundred rupees.]

Penalty for contravention of a regulation made under section 45.

69. Whoever contravenes or abets the contravention of any regulation made under section 45 shall be punished with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Penalty for contravention of direction given under section 46.

70. Whoever opposes or disobeys any direction given by a Magistrate of a district or a Sub-Divisional Magistrate under section 46 or abets opposition to, or disobedience of, any such direction, shall be punished with imprisonment which may extend to [1][one year but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine.]

Penalty for opposing or not complying with direction given under section 54.

71. Whoever opposes or fails forthwith to comply with any reasonable direction given by a Magistrate or a police officer under section 54, or abets opposition thereto or failure to comply therewith, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Jurisdiction when offender is a police-officer above the rank of constable.

72. Offences against this Act when the accused person or any one of the accused persons is a police-officer above the rank of a constable shall not be cognizable by a Magistrate below the second class.

Prosecution for certain offences against the Act to be in the discretion of the police.

73. It shall not, except in obedience to a rule or order made by [2][the Provincial Government] or by the Magistrate of the district, be incumbent on the police to prosecute for an offence punishable under sections 61, 62, 65, 67, 68, 69 or 70, when such offence has not occasioned serious mischief and has been promptly desisted from on warning given.

Prosecution for offences under other enactments, not affected by the Act.

74. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment:

X of 1882. Provided that all such cases shall be subject to the provisions of section 403 of the [3]Code of Criminal Procedure.

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[1] These words were substituted for the words "one month, or with fine which may extend to one hundred rupees, or with both" by Bom. 16 of 1946, s. 8.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] *See* now Act 5 of 1898.

CHAPTER VII.

MISCELLANEOUS.

Disposal of rewards, etc., payable to police-officers.

75. All sums paid for the service of process by police-officers and all rewards, forfeitures and penalties or shares thereof which are by law payable to police-officers as informers, shall, except as hereinafter in this section provided, be credited to [1][the Provincial Government]:

Provided that with the sanction of [1][the Provincial Government], or under any rule made by [1][the Provincial Government] in that behalf the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a police-officer or be divided amongst two or more police-officers.

District Magistrate's authority over village police-officers may be delegated to District Superintendent and may be withdrawn.

76. Any Magistrate of a district may delegate to the District Superintendent any authority which such Magistrate himself possesses for police purposes over any village police-officer, and may withdraw such authority.

No municipal or other rates to be payable by Provincial Government on police-buildings.

77. (*1*) No municipal or other local rates shall be payable by [1][the Provincial Government] on account of the occupation or use of any house or place by members of the police force for the convenient performance of their duties.

[2]* * * * * * *

Method of proving orders and notifications issued under this Act.

78. Any order or notification published or issued by [1][the Provincial Government] or by a Magistrate or officer under any provision of this Act, and the due publication and issue thereof, may be proved by the production of a copy thereof in the [3][*Official Gazette*] or of a copy thereof signed by such Magistrate or officer and by him certified to be a true copy of an original published and issued according to the provisions of the section of this Act applicable thereto.

Rules and orders not to be deemed invalid on account of defect of form or irregularity in procedure.

79. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision herein contained or in substantial conformity to the same, shall be deemed illegal, void, invalid, or insufficient for any defect of form or publication or any irregularity of procedure.

Suspension and revocation of licences.

[4][**79A.** Any licence granted under the provisions of this Act may at any time be suspended or revoked by the District Magistrate, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence relates.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Sub-sections (*2*) and (*3*) were repealed by Bom. 1 of 1910, s. 3 and Sch. II.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[4] This section was inserted by Bom. C3 of 1948, s. 2 (*2*).

Explanation.—For the purpose of this section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of a person to whom the licence has been granted shall be deemed to be infringement or evasion by, or as the case may be, conviction of, the person to whom the licence has been granted.]

80. (*1*) No Commissioner, Magistrate or police-officer shall be liable to any penalty or to payment of damages on account of any act done in good faith in pursuance or intended pursuance of any duty imposed or any authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

No Commissioner, Magistrate or police officer to be liable to penalty or damages for act done in good faith in pursuance of duty.

(*2*) No public servant or person duly appointed or authorised shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by [1][the Provincial Government] or by a person empowered in that behalf under this Act or any rule made under any provision thereof.

No public servant liable as aforesaid for giving effect in good faith to any rule, order or direction issued with apparent authority.

(*3*) In any case of an alleged offence by a Magistrate, police officer or other person, or of a wrong alleged to have been done by such Magistrate, police-officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong if committed or done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than six months after the date of the act complained of.

Suits or prosecutions in respect of act done under colour of duty as aforesaid not to be entertained, or to be dismissed, if not instituted within six months.

(*4*) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

In suits as aforesaid one month's notice of suit to be given with sufficient description of wrong complained of.

(*5*) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any, what, tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

Plaint to set forth service of notice and tender of amends.

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

THE BOMBAY MUNICIPAL SERVANTS ACT, 1890.

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SCHEDULE.

BOMBAY ACT No. V OF 1890.[1]

[THE BOMBAY MUNICIPAL SERVANTS ACT, 1890.]

[*15th January 1891.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

WHEREAS it is expedient to make better provision in the City of Bombay and elsewhere for the enforcement of regulations regarding certain classes of municipal servants whose functions intimately concern the public health or safety, and regarding the duties, withdrawal from duty, and leave of such servants; It is enacted as follows :—

Short title.

1. (*1*) This Act may be cited as the Bombay Municipal Servants Act.

Commencement and extent.

(*2*) It shall come into force in the City of Bombay at once.

(*3*) The [2][Provincial Government] may, by [3]notification, extend all or any of its provisions, on and after a day not less than two months after the date of such notification, to any municipal district in the Bombay Presidency.

[4][It] may also cancel or vary such notification consistently with the provisions of this Act.

Interpretation.

2. (*1*) Unless there be something repugnant in the subject or context, all words used in this Act shall have respectively the meanings assigned to them in the [5]City of Bombay Municipal Act, 1888.

Bom. III of 1888.

Act to be read with Municipal Acts in force.

(*2*) This Act shall, in so far as it affects the City of Bombay, be read with the [5]City of Bombay Municipal Act, 1888, and in so far as it affects any other part of the Presidency of Bombay, shall be read with the [6]Bombay District Municipal Acts, 1873 and 1884.

Bom. III of 1888.

Conditions as to resignation, withdrawal and absence from specified duties.

3. (*1*) Any municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties specified in the Schedule, who—

(*a*) without the written permission, in the City of Bombay of the Commissioner or a person by him deputed in that behalf, and elsewhere of the officer authorized by the Municipality to give such permission, resigns his office without at least months' notice given in writing to the Commissioner or person by him deputed, or to such officer, or withdraws or absents himself from the duties thereof, except in case of illness or accident disqualifying him for the discharge of such duties or other reason accepted as sufficient by such Commissioner or person by him deputed, or such officer; or

Neglect or breach of duty.

(*b*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which as such municipal officer, servant or other person employed by, or on behalf of, the Corporation or a Municipality, it is his duty to observe or obey; or

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1890, Part V, p. 60; for Report of Select Committee, *see ibid.*, 1890, p. 103; and for Proceedings in Council, *see ibid.*, 1890, pp. 77, 109 and 127.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] For notification extending the provisions of the Act to certain municipal districts, *see* Bombay Local Rules and Orders.

[4] The word "It" was substituted for the word "He" by the Adaptation of Indian Laws Order in Council.

[5] *Supra*.

[6] *See* now the Bombay District Municipal Act, 1901, which repealed these Acts.

(*c*) who abets an offence under clause (*a*) or clause (*b*);

shall be liable to forfeit his pay accruing due under a current term of service, and arrears of pay due for a term of not more than one month, and in addition to such forfeiture and any other penalty which may be imposed on him under any enactment or rule for the time being in force, shall be liable, on conviction by a Magistrate, to imprisonment which may extend to three months or to fine, or to both imprisonment and fine:

Provisos.

Provided that if any such officer, servant or other person produces a certificate signed by the medical officer appointed in the City of Bombay by the Commissioner, and elsewhere by the Municipality in this behalf, of a present incapacity to perform his duties which will probably endure for a month or more, the necessary permission to resign shall forthwith be granted:

Provided further that no fee shall be taken from a person on account of such certificate as aforesaid or of examination in connection therewith.

(*2*) The provisions of clauses (*a*) and (*b*) of sub-section (*1*) shall not apply to persons at the date of the passing of this Act in the employment of the Corporation or of a Municipality until the lapse of two months from such date.

Power to dispense with two months' notice or with services after tender of resignation.

4. (*1*) The Commissioner or officer authorized by the Municipality under section 3 (*a*), may,—

(*a*) at his discretion, accept any resignation to take effect at a time less than two months from the date thereof, or

(*b*) at any time after any municipal officer, servant or other person employed as aforesaid, has tendered his resignation, dispense with the services of such officer, servant or person.

(*2*) Any such officer, servant or other person whose services are dispensed with under sub-section (*1*), clause (*b*), shall, subject to any agreement in writing previously made between him and the Corporation or Municipality or its representative, be entitled, in addition to any wages which he may have earned at the date of tendering his resignation, to fifteen days' wages or to wages for such period longer than fifteen days, as his services may, after such tender of resignation, have been retained by the officer authorized in that behalf.

Power of Provincial Government to add to schedule.

5. (*1*) It shall be lawful for the [1][Provincial Government] on the request of the Corporation or of a Municipality from time to time, by notification, to declare that from a date to be fixed therein, which shall not be less than two months from the date thereof, any specified class of duties which concern the public health or safety, shall be deemed to be included in the Schedule to this Act, and from the date fixed on that behalf in such notification the provisions of section 3 shall apply to all persons employed by, or on behalf of, the Corporation or a Municipality to perform any duty of the class so specified in such notification.

(*2*) The [1][Provincial Government] may withdraw such notification and may from time to time cancel or vary the same consistently with the preceding clause and with the other provisions of this Act, and may also limit the operation of any notification to any Municipality or place wherein this Act is in operation.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

6. Every person employed by, or on behalf of, the Corporation or a Municipality to perform any of the duties set forth in the Schedule, shall, on entering the service, and every person now so employed shall forthwith, receive gratis, and shall at any time thereafter, on payment of one anna, be entitled to receive in the City of Bombay from the Municipal Commissioner for the City of Bombay, and elsewhere from the President of a Municipality, a copy of this Act and of the notifications issued thereunder, applicable to such person or to the class to which he belongs, in the English, Marathi, Gujarathi, Canarese or Sindhi language. Copies of Act to be supplied at nominal price to employees.

SCHEDULE.

(*Vide* section 3.)

Duties which render the provisions of section 3 applicable to the persons employed by, or on behalf of, the Corporation or a Municipality to perform them.

Class I.—Duties connected with the public health :

(*a*) scavenging or cleansing streets or premises,

(*b*) cleansing or flushing drains,

(*c*) removing or disposing of excrementitious or polluted matter from houses, latrines, privies, urinals, or cesspools,

(*d*) removing carcasses,

(*e*) preventing nuisances generally.

Class II.—Duties connected with the public safety :

Duties of—

(*a*) members of a fire-brigade,

(*b*) persons, however designated, employed on, or in connection with, the maintenance or service of any municipal water-works, drain, pumping station or fire hydrant, including—

(1) inspectors,

(2) sub-inspectors,

(3) foremen,

(4) mechanics,

(5) drivers,

(6) watchmen,

(7) labourers,

(8) workmen,

(*c*) lamp-lighters.

THE BOMBAY DISTRICT VACCINATION ACT, 1892.

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SCHEDULE A.—FORM OF CERTIFICATE OF POSTPONEMENT OF VACCINATION.

SCHEDULE B.—FORM OF CERTIFICATE WHERE CHILD IS INSUSCEPTIBLE OF SMALL-POX AND WHERE CHILD HAS ALREADY HAD SMALL-POX.

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SCHEDULE D.—FORM OF NOTICE TO PARENT OR GUARDIAN OR OTHER PERSON WHO GIVES INFORMATION OF CHILD'S BIRTH.

SCHEDULE E.—REGISTER OF POSTPONED VACCINATIONS.

BOMBAY ACT No. I OF 1892.[1]

[THE BOMBAY DISTRICT VACCINATION ACT, 1892.]

[*11th August 1892.*]

Repealed in part, by Act 16 of 1895.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to prohibit the practice of inoculation and to make the vaccination of children in certain portions of the Bombay Presidency compulsory.

WHEREAS it is expedient to prohibit the practice of inoculation and to make compulsory the vaccination of children in certain portions of the Presidency of Bombay, and to remove doubts as to the legality of compulsory vaccination in the case of convicts and others confined in criminal jails, reformatories and lunatic asylums in the said presidency; It is enacted as follows:—

Preliminary.

1. This Act may be cited as the Bombay District Vaccination Act, 1892. Short title.

2. (*1*) Section 33 extends to the whole of the Presidency of Bombay, and shall come into force at once. Extent and commencement.

(*2*) The rest of the Act—

(*a*) extends to the whole of the Presidency of Bombay, except—

the city of Bombay, and

the town of Karachi; and

(*b*) shall come into force in each [2]local area within its extent on such day as the [3][Provincial Government] by notification in the [4][*Official Gazette*] may direct.

(*3*) Every such notification shall specify the local area to which it relates—

(*a*) by name if such area is a territorial sub-division or area with a specific name and defined limits, or

(*b*) by defining its limits in any other case.

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[1] For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1891, Pt. V, p. 80; for Report of Select Committee, see *ibid.*, 1892, p. 3; and for Proceedings in Council, see *ibid.*, 1892, pp. 18, 29, 40, 61 and 63.

[2] For notifications applying the Act to local areas, *see* Bombay Local Rules and Orders.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

(*4*) Except when an epidemic of small-pox exists or is apprehended, notice of the intention of [1][the Provincial Government] to introduce the Act as aforesaid on a date specified shall be given in the [2][*Official Gazette*] at least one month before such notification is issued, and [1][the Provincial Government] shall receive and consider such suggestions and objections as may be submitted to [1][the Provincial Government] by persons interested, not later than a week before the date specified as aforesaid.

Power to suspend or withdraw Act.

3. The [3][Provincial Government] may at any time by notification withdraw the Act from operation, or, for such period as [4][it] deems fit, suspend its operation, in any local area in which it may have been brought into force under section 2, sub-section (*2*), or in any part of such area.

Interpretation-clause.

4. In this Act, unless there be something repugnant in the subject or context,—

(*a*) "parent" means, in the case of a legitimate child, the father or the mother, and, in the case of an illegitimate child, the mother only :

(*b*) "guardian" means any person to whom the care, nurture or custody of any child falls by law or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child or to whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf :

(*c*) "public vaccinator" means any vaccinator appointed under this Act and includes any deputy duly authorized to act for such public vaccinator :

(*d*) "medical practitioner" means any person duly qualified by a diploma, degree or licence to practise in medicine or surgery or specially licensed by the [3][Provincial Government] to practise vaccination and grant certificates under the provisions of this Act :

(*e*) "unprotected child" means a child who has not been protected from small-pox by having been successfully vaccinated, or who has not been certified under section 12 to have already had small-pox or to be insusceptible of vaccination :

(*f*) "animal-lymph" means vaccine taken from the calf of a cow or buffalo :

(*g*) "vaccination-area" means a local area in which the [3][Provincial Government] has by notification declared this Act to be, and the Act is, in force :

(*h*) "vaccination-circle" or "circle" means one of the circles into which a vaccination-area is sub-divided under this Act :

(*i*) "Sanitary Commissioner" means the Sanitary Commissioner for the Presidency of Bombay or any officer whom the [3][Provincial Government] from time to time directs to exercise or perform all or any of the powers or duties of a Sanitary Commissioner under this Act :

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "Provincial Government" were substituted for the words "Governor in Council", by *ibid.*

[4] The word "it" was substituted for the word "he", *ibid.*

(*j*) "Registrar of births" means any officer or other person whose duty it is,—

(*a*) under any law for the time-being in force other than the [1]Births, Deaths and Marriages Registration Act, 1886, or

VI of 1886.

(*b*) under any bye-law or rule having the force of law, to register births:

(*k*) "register" and "registration" refer to registration in pursuance of any such law, bye-law or rule as aforesaid.

Establishment.

Vaccination circles.

5. (*1*) Subject to such rules and orders as may from time to time be made by [2][the Provincial Government], every vaccination area shall, with the concurrence of the Commissioner, be divided by the Sanitary Commissioner into such and so many circles for the performance of vaccination, as he shall from time to time deem fit.

Appointment of public vaccinators and vaccine-stations.

(*2*) The Sanitary Commissioner shall appoint a public vaccinator for each vaccination-circle, and shall, with the concurrence of the Commissioner, appoint such places in each such circle as he shall from time to time deem fit to be stations for the performance of vaccination. Such stations shall be called public vaccine-stations.

Public vaccinators how removable.

(*3*) Every public vaccinator shall be removable from office by the Sanitary Commissioner.

Limits of circles and hours of attendance how to be notified.

(*4*) The limits of the vaccination-circles made, and the positions of the public vaccine-stations fixed, under sub-sections (*1*) and (*2*), and the days and hours of the public vaccinator's attendance at each station, shall be published from time to time in such manner as shall be directed in rules to be framed under section 32.

Public vaccinator to live within his circle.

6. Every public vaccinator, unless specially permitted by the Sanitary Commissioner to reside elsewhere, shall reside within the circle for which he is appointed, and shall cause his name, with the addition of the words "Public Vaccinator for the vaccination-circle of * *," to be posted up in English and in the vernacular of the district in some conspicuous place on or near the outer door of his dwelling-house; and of every public vaccine-station in his circle.

Qualifications of public vaccinator.

7. No person shall be appointed a public vaccinator, or act as a deputy for a public vaccinator, who shall not possess a certificate of qualification signed by the Sanitary Commissioner.

Superintendent of Vaccination.

8. (*1*) In each vaccination-area a Superintendent of Vaccination shall be appointed by [2][the Provincial Government], and, subject to the orders of the Sanitary Commissioner, shall have a general control over all the proceedings of the public vaccinators within that area, and shall perform such duties, in addition to those prescribed by this Act, as shall be required by [2][the Provincial Government].

Assistant Superintendents.

(*2*) Each Superintendent shall have, if necessary, one or more assistants as [2][the Provincial Government] may from time to time direct.

[1] Unrepealed Central Acts.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Vaccination.

Deputy of parent or guardian of children within limits of vaccination area.

9. (*1*) Subject to the provision contained in clause (*a*) of sub-section (*3*), section 14, it shall be the duty of the parent, or, in the case of a child in the care of a guardian, of the guardian of every child such as is mentioned in sub-section (*2*), within the period prescribed in respect thereof in the said sub-section, to take it or cause it to be taken to a public vaccinator to be vaccinated, or to cause it to be vaccinated by a public vaccinator or by some medical practitioner.

Within what period to be performed :

(*2*) The duty imposed by sub-section (*1*) shall be performed in the undermentioned cases within the periods hereinbelow respectively specified, that is to say—

in the case of—

in case of child born within vaccination-area,

(*a*) a child born within the limits of a vaccination area—within twelve months after its birth ;

in case of unprotected child brought within vaccination area.

(*b*) an unprotected child brought to reside, whether temporarily or permanently, within the said limits,—

(*i*) if the child is less than nine months old—within twelve months after its birth ;

(*ii*) if the child is nine months or more than nine months, but less than fourteen years old—within three months of its being brought within the said limits ;

in case of child living within vaccination area when Act comes into force therein.

(*c*) an unprotected child living within the said limits at the date when this Act comes into force therein,—

(*i*) if the child at such date is more than six months, but less than fourteen years old—within six months from the date of the Act coming into force in such area ;

(*ii*) if the child at such date is less than six months old—within twelve months from the date of its birth.

Public vaccinator bound to vaccinate all children brought to him.

(*3*) The public vaccinator to whom any such child, or to whom any child under the age of fourteen years, is brought for vaccination, is hereby required, with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate the child.

Inspection.

10. (*1*) At an appointed hour upon the same day in the following week after vaccination shall have been performed by a public vaccinator or a medical practitioner, or on any earlier or later day, if the public vaccinator or medical practitioner so desires, the parent or guardian shall again take the child, or cause it to be taken, to the public vaccinator, or to the medical practitioner by whom the operation was performed, that he may inspect it and ascertain the result of the operation.

Re-vaccination.

(*2*) In the event of the vaccination being wholly or partly unsuccessful such parent or guardian shall, if the public vaccinator or medical practitioner so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

If child be unfit for vaccination, certificate in form A to be given.

11. (*1*) If any public vaccinator or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated, he shall forthwith deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule A, or to the like effect, that the child is then in a state unfit for vaccination.

(2) The said certificate shall remain in force for two months only, but shall be renewable for successive periods of two months, until a public vaccinator or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated, and a certificate of successful vaccination given, in the form of Schedule C, according to the provisions of section 13, if warranted by the result.

Certificate to remain in force for two months, but shall be renewable.

(3) At or before the end of each successive period the parent or guardian shall take or cause the child to be taken to some public vaccinator or medical practitioner, who shall then examine the child and give a fresh certificate according to the said Form A, so long as he deems requisite under the circumstances of the case.

When successive postponement certificates are to be granted.

12. If any public vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or guardian of such child a certificate under his hand according to the form of Schedule B, or to the like effect, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

Provision for giving certificates of insusceptibility to successful vaccination.

13. Every public vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, shall deliver to the parent or guardian of such child a certificate, according to the form of Schedule C, or to the like effect, certifying that the said child has been successfully vaccinated.

Provision for giving certificates of successful vaccination.

14. (1) Except as is in sub-section (2) otherwise provided, the vaccination of a child under the provisions of this Act must, as the parent or guardian of the child may require, be performed with animal-lymph or with lymph taken from a human being.

Vaccination must ordinarily be performed with that kind of lymph which the parent or guardian of the child may require.

(2) It shall at any time be lawful for the [1][Provincial Government], on its being shown to [2][its] satisfaction that animal-lymph is not procurable in any vaccination area without dangerous delay, to direct, by notification in the [3][*Official Gazette*],—

(a) that, during such period as [2][it] may deem fit to appoint, the vaccination of children within such vaccination-area may without the assent of the parents or guardian of such children, be performed with lymph taken from a human being;

(b) that the public vaccinator or medical practitioner to whom, at any time during the said period, a vaccinated child is brought under the provisions of section 10 for inspection, may, if he sees fit, take from such child lymph for the performance of other vaccinations in such manner as shall not be injurious to such child.

(3) The operation of any such notification shall be subject to the following provisos, namely :—

(a) that if the period prescribed by section 9 for the vaccination of an unprotected child will expire while such notification is in force, the parent or guardian of such child may give written notice to a public vaccinator, before the

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "its" and "it" were substituted for the words "his" and "he" respectively, *ibid.*

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

expiry of the said period, of his desire to arrange privately for the effectual vaccination of the child in conformity with the provisions of this Act, and thereupon the public vaccinator shall for the said purpose allow an extension of the said period for such times, not exceeding one month, as he deems reasonable;

(*b*) that lymph shall not be taken from any child who does not appear to be in good health and free from taint of a disease transmissible by vaccination, or whose parents are known to the public vaccinator or medical practitioner to have suffered or to be suffering from phthisis, leprosy or syphilis.

(*4*) Whenever the [1][Provincial Government] shall publish such a notification as aforesaid, [2][it] shall also frame and notify such regulation for the administration of the provisions thereby brought into force as shall appeal necessary, in order to prevent the application of the said provisions from being attended with oppression or needless offence. These regulations shall include such rules as to the sources from which lymph is to be obtained, and the means by which it is to be preserved pure, as shall appear necessary, in order to satisfy reasonable scruples on the part of persons to be vaccinated or the parents or guardians of such persons,

No fee to be charged for vaccination at a public vaccine-station or for certificates.

15. (*1*) No fee or remuneration shall be charged by any public vaccinator to the parent or guardian of any child for any such certificate as aforesaid, nor for any vaccination done by him in pursuance of this Act at a public vaccine-station.

Proviso.

(*2*) But it shall be lawful for a public vaccinator to accept, for vacinating a child, by request of the parent or guardian, elsewhere than at a public vaccine-station, a fee not exceeding such maximum as the [1][Provincial Government] may, by rule or order in this behalf, prescribe.

Registration.

Registrar of births to give notice of the requirement of vaccination.

16. On the registration in a vaccination-area of the birth of any child, the Registrar of births shall deliver to the person giving information of such birth a printed notice in the form of Schedule D, or to the like effect, and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

Duplicates of all certificates to be transmitted to Registrar.

17. Every public vaccinator or medical practitioner who gives to any parent or guardian a certificate in any of the forms of Schedules A, B and C shall, if possible, ascertain whether the birth of the child to which the certificate relates has been registered in any place situate within a vaccination-area or in the city of Bombay, or in the town of Karachi. If he ascertains that it has been so registered he shall, within twenty-one days of giving the certificate, transmit a duplicate thereof to the Registrar of births of the said place; in every other case he shall, within the said period, transmit a duplicate of the said certificate to the Registrar of births (if any of the place in which the child was vaccinated or presented for vaccination.

Registrar to keep a vaccination-notice and certificate book;

18. Every Registrar of births in a vaccination-area shall keep a book in such form as may from time to time be prescribed under section 30, in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the duplicates of certificates transmitted to him as herein provided.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "he", *ibid*.

19. He shall also prepare and keep a duplicate of any register of births which his duty to keep, with such columns added thereto as shall from time to time be prescribed under section 30, in which he shall record the date of every duplicate certificate, in the form of Schedule B or Schedule C, received by him concerning any child whose birth he has registered, and make an entry to the effect that the child has been vaccinated, or is insusceptible of vaccination, or has already had small-pox, as the case may be.

Also a duplicate register of births, with entries concerning vaccination;

20. He shall also keep a register of postponed vaccinations in the form of Schedule E, in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of Schedule A, together with the date of such duplicate certificate, and of each such successive duplicate certificate, if he receives more than one, and shall show the number and year of the entry, if any, in the Register of births in which such child's birth has been registered.

Also a register of postponed vaccinations.

21. Every Registrar of births in a vaccination-area shall transmit, on the first of every month, to the Superintendent of Vaccination a return, in such form as may from time to time be prescribed under section 30, of all cases in which duplicate certificates have not been duly received by him in pursuance of the provisions of this Act during the last preceding month.

Transmission of returns to Superintendent.

Prosecutions and Offences.

22. Whoever—

(*a*) produces, or attempts to produce in any person, by inoculation with variolous matter or by wilful exposure to variolous matter or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person, or

Penalty for inoculating,

(*b*) being above the age of fourteen years and having been inoculated with small-pox in a place in which this Act is not for the time being in force, shall afterwards enter a vaccination-area before the expiration of forty days from the date of such inoculation, or without a certificate from a medical practitioner that such person is no longer likely to cause contagion, or

for entering a vaccination area after inoculation,

(*c*) having the charge, custody or control of any person so inoculated, shall, within such period or without such certificate as aforesaid, knowingly bring such person into, or permit such person to enter, a vaccination-area,

for bringing person inoculated into such area.

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

23. (*1*) If a Superintendent of Vaccination shall give information in writing to a Magistrate that he has reason to believe that any child within a vaccination-area, under the age of fourteen years, is an unprotected child, and that he has given notice to the parent or guardian of such child to procure its being vaccinated, and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the child before him, and, if the Magistrate shall find, after such examination as he shall deem necessary, that the child is an unprotected child, he may make an order directing such child to be vaccinated within a certain time not exceeding two months.

Magistrates may make an order for the vaccination of any unprotected child under fourteen years.

Penalty for disobedience of such order.

(2) If, at the expiration of such time, the child shall not have been vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall, unless he can show to the Magistrate some reasonable ground for his omission to carry the order into effect, be punished with fine which may extend to fifty rupees.

Proviso for costs to person improperly summoned.

(3) Provided that, if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider a fair compensation for his expenses and loss of time in attending before the Magistrate.

Penalty for not producing child.

24. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section, he shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Penalty for neglect to take child to be vaccinated.

25. Whoever, in contravention of this Act,—

(*a*) neglects, without reasonable excuse, to take or cause a child to be taken to be vaccinated, or after vaccination to be inspected, or

(*b*) at any time, during the period for which any notification made under section 14 is in force, prevents may public vaccinator from taking lymph from any child whom he has vaccinated, or

(*c*) neglects to fill up, sign and give to the parent or guardian of any child any certificate which such parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of births,

shall be punished for each such offence with fine which may extend to fifty rupees.

Penalty for making or signing false certificate.

26. Whoever wilfully signs, or makes or procures the signing or making of, a false certificate or duplicate certificate under this Act shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for accepting illegal fee or remuneration.

27. If any public vaccinator accepts, or obtains, or agrees to accept, or attempts to obtain, from any person any fee, or remuneration, contrary to the provisions of section 15, he shall be deemed to have committed an offence punishable under section 161 of the Indian Penal Code. XLV of 1860.

Cognizance of offences under the Act.

28. All offences under this Act shall be cognizable by a Magistrate of the first or second class, but no complaint of any such offence shall be entertained unless the prosecution be instituted by order of, or under authority from, a Magistrate of a district or of a sub-division, or of a Superintendent of Vaccination.

Prosecution for neglect.

29. In any prosecution for neglect to procure the vaccination of a child, it shall not be necessary in support thereof to prove that the defendant had received notice from a Registrar of births, or any other officer, of the requirements of the law in this respect; but, if the defendant produce any certificate under section 12 or 13, or the duplicate of the register of births or the register of postponed vaccinations kept by any Registrar of births as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate according to the form of Schedule A, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

Supplemental.

30. The Sanitary Commissioner shall frame and provide appropriate books and forms for the use of the public vaccinators, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act, and he shall also transmit to the Registrars of births such books and forms as are required by them under the provisions of this Act. Books and forms.

31. It shall be the duty of every Registrar of births in a vaccination-area to show in any annual general abstract of births prepared by him the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible of successful vaccination during the year. Annual return to be made of the number of children vaccinated, etc.

32. The Sanitary Commissioner may, with the sanction of the [1][Provincial Government] from time to time make rules[2] or issue orders consistent with this Act— Sanitary Commissioner to make rules.

(*a*) providing for the appointment of deputies of public vaccinators when necessary;

(*b*) determining the qualifications to be required of public vaccinators or their deputies, and regulating the grant of certificates of qualification under section 7;

(*c*) for the guidance of public vaccinators and others in all other matters connected with the working of this Act.

All such rules or orders shall be published in the [3][*Official Gazette*].

33. (*1*) Subject to such rules as the Inspector-General of Prisons, with the sanction of [4][the Provincial Government] may make in this behalf, and to such exemptions as [4][the Provincial Government] may from time to time, by either a general or a special order authorize, the operation of vaccination shall be performed on every person confined in any of the cases hereinafter mentioned, whatever the age or sex of such person may be, and whether such person consent to undergo such operation or not; that is to say, in the case of every person in respect of whom— Vaccination of convicts and others in jails, etc.

(*a*) imprisonment for more than one month or transportation has been awarded as part of the substantive sentence of a criminal court, or

(*b*) a criminal court has directed imprisonment, in default of payment of fine for a term which, if the fine be not sooner paid, will exceed one month; or

(*c*) a Court has directed imprisonment for failure to give security for good behaviour for a term which, if security be not sooner given, will exceed one month, or

(*d*) an order has been passed by [4][the Provincial Government] under either section 466 or section 471 of the [5]Criminal Procedure Code, 1882, for his confinement as a lunatic. X of 1882.

(*2*) [*Rep. Act XVI of 1895.*]

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] For rules made under clause (*c*), *see* Bombay Local Rules and Orders.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[4] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[5] *See* now the Code of Criminal Procedure, 1898 (V of 1898).

SCHEDULE A.

(*See section 11.*)

I, the undersigned, hereby certify that, in my opinion, * * *, the child of * * * *, resident at * *, in the vaccination-area of * *, is not now in a fit and proper state to be vaccinated, and I do hereby postpone the vaccination for the period of two months from this date.

Dated this * * day of * * 18 * *.

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE B.

(*See section 12.*)

(FORM OF CERTIFICATE WHERE CHILD IS INSUSCEPTIBLE OF SMALL-POX.)

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated * *, the child of * *, residing at * *, in the vaccination-area of * *, and I am of opinion that the said child is insusceptible of successful vaccination.

Dated this * * day of * * 18 * *.

(*Signature of Medical Practitioner or Public Vaccinator.*)

(FORM OF CERTIFICATE WHERE CHILD HAS ALREADY HAD SMALL-POX.)

I, the undersigned, hereby certify that I have examined * *, the child of * *, residing at * *, in the vaccination-area of * *, and that I am of opinion that the said child has already had small-pox.

Dated this * * day of * * 18 * *.

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE C.

(*See section 13.*)

I, the undersigned, hereby certify that * *, the child of * *, age * *, resident at * *, in the vaccination-area of * *, has been successfully vaccinated by me.

Dated this * * day of * * 18 * *.

(*Signature of Medical Practitioner or Public Vaccinator.*)

SCHEDULE D.

(*See section 16.*)

To

[*Here insert the name of the parent, guardian or other person who gives information of the child's birth.*]

Take notice that the child of * * * * * * * whose birth has this day been registered, must be vaccinated under the provisions of the Bombay District Vaccination Act, 1891, within twelve months from the date of its birth, under a penalty of fifty rupees.

The public vaccine-station nearest to the house in which the child was born is at * *.

The days and hours for vaccination at that station are as follows :—

(*Here insert the days and hours when the public vaccinator is in attendance.*)

On your taking, or causing the child to be taken, to the public vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine-station in the vaccination area on the days and within the hours prescribed for public vaccination at such station, it will be vaccinated free of charge.

You should be careful to have one of the annexed forms of certificates filled in by the public vaccinator, or, if you employ a private medical practitioner to vaccinate the child, by such medical practitioner, and to keep the same in your possession. Any such certificate will be granted to you by a public vaccinator free of charge.

Dated the * * of * * 18 * *.

Registrar of Births.

SCHEDULE E.

(*See section 29.*)

REGISTER OF POSTPONED VACCINATIONS FOR THE VACCINATION AREA OF

Consecutive number.	Name of child.	Birth.		Date of certificate of postponement.	Signature of registrar.
		Year.	Number of entry in register.		

THE PEINT LAWS ACT, 1894.

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BOMBAY ACT No. II OF 1894.[1]

[THE PEINT LAWS ACT, 1894.]

[*20th December 1894.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to amend the law in force in the Peint Territory in the Bombay Presidency.

WHEREAS it is expedient that the law in force in the territory of Peint to which the Secretary of State for India, by a Resolution in Council bearing date the 14th day of July, 1885, declared the provisions of the [2]Statute 33 Victoria, chapter 3, section 1, to be applicable, should be the same as the law in force in the district of Nasik, and that the said territory should cease to be a Scheduled District under the [3]Scheduled Districts Act, 1874 ; XIV of 1874.

And whereas the previous sanction of His Excellency the Governor General required by section 5 of the [2]Indian Councils Act, 1892, has been obtained for the passing of this Act ;

It is hereby enacted as follows :—

1. This Act be called the Peint Laws Act, 1894, and it shall come into force on the first day of January, 1895. Title and commencement.

2. Notwithstanding anything in the definition of "Scheduled Districts" in section 1 of the [3]Scheduled Districts Act, 1874, the territory of Peint shall not be deemed to be a Scheduled District within the meaning of that Act. XIV of 1874. Amendment of Act XIV of 1874 as to territory of Peint.

3. All enactments which are in force in the district of Nasik and not in the territory of Peint shall come into force in the said territory. Application of laws of Nasik to territory of Peint.

4. All enactments which are in force in the said territory of Peint and not in the district of Nasik shall be repealed in the said territory. Repeal of other laws.

5. All proceedings commenced before any authority in the said territory before the day on which this Act comes into force and still pending on that day shall be disposed of by such authority as the [4][Provincial Government] may direct, and save as aforesaid shall be carried on as if this Act had not been passed. Pending proceedings.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1894, Pt. V, p. 2; for Report of Select Committee, *see ibid.*, p. 3; and for Proceedings in Council, *see ibid.*, pp. 17, 19 and 81.

[2] *See* now the Government of India Act, 1935.

[3] The Scheduled Districts Act, 1874, ceases to have effect under the Adaptation of Indian Laws Order in Council.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

BOMBAY ACT No. III OF 1897.[1]

[*11th January 1898.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to amend [2]Act VIII of 1870 (*an Act for the prevention of the murder of Female Infants*) **as to the Presidency of Bombay.**

WHEREAS it is expedient to amend as to the Presidency of Bombay, in manner hereinafter appearing, [2]Act VIII of 1870 of the Governor General of India in Council; And whereas the previous sanction of the Governor General required by section 5 of the [3]Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:

1. [*Application of accumulated Funds collected under Act VIII of 1870.*] *Ceased to have effect under the Adaptation of Indian Laws Order in Council.*

2. Notwithstanding anything contained in section 7 of [2]Act VIII of 1870, the said Act shall be deemed to extend, and from the 21st December 1870 to have extended, to the Presidency of Bombay. Commencement of Act VIII of 1870 in Bombay Presidency.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1896, p. 48; for Report of Select Committee, *see ibid.*, 1897, p. 159, and for Proceedings in Council, *see ibid.*, 1897, pp. 111, 191 and 249.

Short title.—"The Female Infanticide Prevention (Amendment) Act, 1897", *see* the Bombay Short Titles Act, 1921 (Bom. 2 of 1921).

[2] Unrepealed Central Acts.

[3] *See* now the Government of India Act, 1935.

BOMBAY ACT No. I OF 1898.[1]

[CITY OF BOMBAY MUNICIPAL INVESTMENTS ACT, 1898.]

[*3rd June, 1898.*]

An Act to supplement the provisions of the City of Bombay Municipal Act, 1888, with respect to the Investment of Sinking Funds and Surplus Moneys, and to validate certain Debentures.

WHEREAS it is expedient to supplement the provisions of the [2]City of Bombay Municipal Act, 1888, with respect to the investment in public securities of sinking funds and surplus moneys of the Municipal Corporation of the City of Bombay; and whereas it is also expedient to remove doubts which have arisen with respect to the validity of certain debentures of the Corporation in which portions of their sinking funds and surplus moneys purport to have been heretofore invested, and to obviate the extinction of such debentures of the Corporation as have been, or may hereafter be, issued in or transferred to the name of the Corporation or to the name of the Municipal Commissioner for the City of Bombay on behalf of the Corporation in respect of any such investments;

Bom. III of 1888.

It is hereby enacted as follows:—

1. This Act may be cited as the City of Bombay Municipal Investments Act, 1898.

2. [*Repealed by Bom. 13 of 1933, section 42 and Appendix.*]

3. [*Repealed by Bom. 13 of 1933, section 42 and Appendix.*]

4. All the several debentures of the Corporation heretofore issued, transferred, assigned or endorsed in the name of the Corporation or in the name of the Municipal Commissioner on behalf of the Corporation as specified in Schedule A, and all debentures heretofore issued by way of renewal, consolidation or sub-division of any of the said debentures shall be deemed to be and to have always been valid and negotiable in all respects and in the same manner as if the same had been issued against moneys borrowed from the Secretary of State or any other person.

5. The signature of the person for the time being holding the office of the Municipal Commissioner for the City of Bombay to a transfer of any debenture standing in the name of the Corporation or of the Municipal Commissioner on behalf of the Corporation shall be valid and sufficient, notwithstanding that such person may not have held the said office at the time when such debenture was issued, transferred, assigned or endorsed to the name of the Corporation or the Municipal Commissioner as aforesaid.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1898, Pt. V, p. 73; and for Proceedings in Council, *see ibid.*, p. 205.

[2] *Supra.*

SCHEDULE A.

Particulars of Loans and Numbers of Debentures.	Number.	Amount.	Total.	Grand Total.
5 per cent. Bombay Municipal Loan (Rs. 10,08,500) for Drainage and Water Works, Markets and Roads.		Rs.	Rs.	Rs.
Nos. 445 to 729	285	500	1,42,500	
,, 730 to 741	12	500	6,000	
				1,48,500
5 per cent. Agripada House Sullage Water Connections Loan (Rs. 2,48,000).				
Nos. 1 to 170	170	500	85,000	
,, 171 to 182	12	500	6,000	
,, 183 to 188	6	500	3,000	
,, 485 to 492	8	500	4,000	
,, 493 to 496	4	500	2,000	
				1,00,000
The (5 per cent.) 35 Lakhs various Sanitary Works Loan.				
Nos. 6801 to 6825	25	500	12,500	
,, 6826 to 6876	51	500	25,500	
,, 6877 to 6888	12	500	6,000	
,, 6889 to 6894	6	500	3,000	
,, 6895 to 6902	8	500	4,000	
,, 6903 to 6967	65	500	32,500	
,, 6968 to 6992	25	500	12,500	
,, 6993 to 7000	8	500	4,000	
				1,00,000
5 per cent. Tansa Water Works Loan (Rs. 147 lakhs).				
Nos. 24401—24450 to 25351—25400 ...	20	25,000	5,00,000	
,, 25401—25440 to 26201—26240 ...	21	20,000	4,20,000	
,, 26241—26270 to 27261—27290 ...	35	15,000	5,25,000	
,, 27291—27310 to 28271—28290 ...	50	10,000	5,00,000	
,, 28291—28300 to 28481—28490 ...	20	5,000	1,00,000	
,, 28491—28494 to 28887—28890 ...	100	2,000	2,00,000	
,, 28891—28892 to 29229—29230 ...	170	1,000	1,70,000	
,, 29231—29270 to 29351—29390 ...	4	20,000	80,000	
,, 29391—29392 and 29393—29394 ...	2	1,000	2,000	
,, 29395—29396 to 29399—29400 ...	3	1,000	3,000	
				25,00,000
The (5 per cent.) Municipal Building Loan (Rs. 8,00,000).				
Nos. 1—50 to 151—200	4	25,000	1,00,000	
,, 201—240 to 361—400	5	20,000	1,00,000	
,, 401—430 to 551—580	6	15,000	90,000	
,, 581—600 to 961—980	20	10,000	2,00,000	
,, 981—990 to 1171—1180	20	5,000	1,00,000	
,, 1181—1184 to 1377—1380	50	2,000	1,00,000	
,, 1381—1382 to 1599—1600	110	1,000	1,10,000	
				8,00,000
Total 5 per cent. Loan Debentures ...	.....	.....	.....	36,48,500

SCHEDULE A—*contd.*

Particulars of Loans and Numbers of Debentures.	Number.	Amount.	Total.	Grand Total.
		Rs.	Rs.	Rs.
The (4 per cent.) Loan of 4½ Lakhs for Fire Brigade Quarters and Stations.				
Nos. 1—20 to 181—200	10	10,000	1,00,000	
,, 201—210 to 291—300	10	5,000	50,000	
,, 301—304 to 417—420	30	2,000	60,000	
,, 421—422 to 479—480	30	1,000	30,000	
,, 481 to 500	20	500	10,000	
Total 4 per cent. Loan Debentures ...	.....	.....	.....	2,50,000
GRAND TOTAL ...	.....	.....	.....	38,98,500

THE BOMBAY DISTRICT MUNICIPAL ACT, 1901.

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SCHEDULES.

BOMBAY ACT No. III OF 1901.[1]

[THE BOMBAY DISTRICT MUNICIPAL ACT, 1901.]

[*1st April, 1901.*]

Repealed in part by Bom. 1 of 1910 ;
" " " " " 11 of 1923 ;
" " " " " 5 of 1925 ;
" " " " " 15 of 1932 ;
" " " " " 17 of 1933.

Repealed in part and amended by Bom. 3 of 1903 ;
" " " " " " " 4 of 1904.

Amended by Act 38 of 1920 ;
" " Bom. 3 of 1902 ;
" " " 10 of 1912 ;
" " " 8 of 1914 ;
" " " 3 of 1915 ;
" " " 6 of 1917 ;
" " " 6 of 1918 ;
" " " 2 of 1919 ;
" " " 3 of 1920 ;
" " " 4 of 1924 ;
" " " 15 of 1925 ;
" " " 20 of 1929 ;
" " " 4 of 1930 ;
" " " 25 and 26 of 1930 ;
" " " 12 of 1931 ;
" " " 23 of 1931 ;
" " " 14 of 1934 ;
" " " 9 of 1935 ;
" " " 34 of 1935 ;
" " " 11 of 1936 ;
" " " 14 of 1936 ;
" " " 15 of 1936 ;
" " " 24 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 9 of 1938 ;
" " " 8 of 1939 ;
§ " " " 17 of 1945 ;
* " " " 22 of 1945 ;
* " " " 7 of 1946 ;
" " " 1 of 1947 ;
" " " 2 of 1947.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1899, Pt. V, p. 133; for Report of Select Committee, *see ibid*, 1900, p. 1; and for Proceedings in Council, *see ibid.*, 1899, p. 216; *ibid.*, 900, p. 33; *ibid.*, 1901, pp. 123, 134, 155 and 174.

Sections 76, 77, 79, 80 and Schedule D have been extended to the cantonment of Ahmednagar subject to certain restrictions, and modifications, *see Gazette of India*, 1905, Pt. I, p. 19.

§ This Act was repealed and re-enacted with modifications and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

* This Act was repealed and sections 2 and 3 thereof were re-enacted by Bom. 1 of 1947.

An Act for the better management of municipal affairs in mofussil towns and cities.

WHEREAS it is expedient to consolidate and amend the law relating to the management of municipal affairs in cities and towns in the Bombay Presidency other than the City of Bombay; It is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. (*1*) This Act may be cited as the Bombay District Municipal Act, 1901.

Local extent.

(*2*) It extends to the whole of the Presidency of Bombay, except the [1]City of Bombay.

Commencement.

(*3*) It shall come into force on the first day of April, 1901.

Repeal.

2. (*1*) The Bombay District Municipal Acts of 1873 and 1884 are hereby repealed: Bom. VI of 1873 Bom. II of 1884.

Saving clause.

Provided that—

(*a*) the said repeal shall not affect the validity or invalidity of anything already done under either of the said enactments;

(*b*) all municipalities constituted, municipal commissioners appointed or elected, committees established, limits defined, appointments, rules, orders and by-laws made, notifications and notices issued, taxes and rates imposed, contracts entered into, and suits and other proceedings instituted, under the said Acts or under any enactments thereby repealed, shall, so far as may be, be deemed to have been respectively constituted, appointed, elected, established, defined, made, issued, imposed, entered into and instituted under this Act;

(*c*) any enactment of the Governor of Bombay in Council, or document referring to any such repealed enactment, shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

(*2*) Of the [2]Bombay Prevention of Adulteration Act, 1899, in section 5 the whole of sub-section (*2*), and clause (*b*) of sub-section (*3*), and in section 6, the whole of sub-section (*2*) are hereby repealed. Bom. II of 1899.

Definitions.

3. In this Act and in the schedules, unless there be something repugnant in the subject or context,—

(*1*) "City Municipality" shall mean any municipality which

(*a*) is one of those specified in Schedule E, or

(*b*) has been declared under sub-section (*1*) of section 181 a City Municipality, and which has not ceased, under sub-section (*2*) of section 181, to be a City Municipality.

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[1] As to the City of Bombay, *see* the City of Bombay Municipal Act, 1888 (Bom. 3 of 1888).

[2] On the coming into operation of the provisions of Bom. 5 of 1925, in any local area in respect of any article of food, so much of the Bombay Prevention of Adulteration Act, 1899 (Bom. 2 of 1899) as has not already been repealed, except section 6, shall be deemed to have been repealed. *See* Bom. 5 of 1925, section 20.

(2) "Councillor" shall mean any person legally a member of a municipality constituted under this Act.

(3) "Commissioner" shall mean the Commissioner of a Division appointed under the [1]Bombay Land Revenue Code, 1879, and in Sind, the [2][Provincial Government]; [3]* * * * *.

Bom. V of 1879.

[4][(3A) "Municipal Commissioner" shall mean a person appointed under the provisions of sections 186A, and shall include a person appointed to act as Municipal Commissioner under sub-section (3) of section 186D.]

(4) "Judge" shall mean District Judge, Joint Judge, Assistant Judge, Judge of a Court of Small Causes, Subordinate Judge, Joint Subordinate Judge or a Judge appointed under the Dekkhan Agriculturists' Relief [5][Acts] 1879 to 1895.

(5) "Municipal district" shall mean any local area which is at present a municipal district, and any local area which may hereafter be constituted a municipal district under section 4, if such municipal district has not ceased to existunder the provisions of the said section.

(6) "Land" shall include land which is built upon or covered with water.

(7) "Building" shall include any hut, shed or other enclosure, whether used as a human dwelling or otherwise, and shall include also walls, verandahs, fixed platforms, plinths, door-steps, and the like.

(8) "Owner" shall include the person for the time being receiving the rent of lands and buildings or either of them, whether on his own account or as agent or trustee for any other person or for any society, or for any religious or charitable purposes, or who would so receive the rent if such land or building were let to a tenant: Provided that no person receiving the rent of any land or building as agent or trustee for another person, shall be liable to do anything by this Act required to be done by the owner of such land or building which may involve expenditure on the part of such owner, unless he have funds of, or due to, the owner sufficient to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he can prove that the default was occasioned by reason of his not having funds of, or due to, the owner sufficient to defray the expense of doing the act required.

(9) "Salaried [6][servant of the Crown]" shall not include a retired [6][servant of the Crown] in receipt of a pension, or a person in receipt of a salary [7][from the Crown] who is not a full-time [6][servant of the crown].

(10) "Official year" shall mean the year commencing on the first day of April.

(11) "Annual letting value" shall mean the annual rent for which any building or land, exclusive of furniture or machinery contained or situated therein or thereon, might reasonably be expected to let from year to year.

(12) "Street" shall mean any road, footway, square, court, alley, or passage accessible whether permanently or temporarily to the public, whether a thoroughfare ori not;

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[1] *See Supra.*

[2] The words "Provincial Government" were substituted for the words "Commissioner in Sind" by the Adaptation of Indian Laws Order in Council.

[3] The proviso to clause (3) of s. 3 was omitted, *ibid.*

[4] This clause was inserted by s. 2 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[5] The word "Acts" was substituted for the word "Act" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

[6] The words "servant of the Crown" were substituted for the words "servant of Government" by the Adaptation of Indian Laws Order in Council.

[7] The words "from the Crown" were substituted for the words "from Government", *ibid.*

and shall include every vacant space, notwithstanding that it may be private property, and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid.

(*13*) "Public street" shall mean any street—

(*a*) over which the public have a right of way, or

(*b*) heretofore levelled, paved, metalled, channelled, sewered or repaired, out of municipal or other public funds, or

(*c*) which under the provisions of section 90 is declared by the Municipality to be, or under any other provisions of this Act becomes a public street.

(*14*) "Tax" shall include any toll, rate, cess, fee or other impost leviable under this Act.

(*15*) "Nuisance" shall include any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smelling or hearing, or which is or may be dangerous to life or injurious to health or property.

(*16*) "Dangerous disease" shall mean cholera, plague, small-pox, and any endemic, epidemic or infectious disease by which the life of man is endangered.

(*17*) "Vehicle" shall include bicycles, tricycles and automotor cars, and every wheeled conveyance which is used or capable of being used on a public street.

(*18*) "Public securities" shall mean—

(*a*) securities of the [1][Central Government],

(*b*) stocks, debentures or shares in railway or other companies, the interest whereon has been guaranteed by the Secretary of State for India in Council [2][or the Central or any Provincial Government],

(*c*) debentures or other securities for money issued by or on behalf of any local authority in exercise of powers conferred by an Act of a legislature established in British India, or

(*d*) a security expressly authorized by any order which the [3][Provincial Government] makes in this behalf.

(*19*) In Sind the words "Sind Official Gazette" shall be deemed to be substituted for the words "[4][*Official Gazette*]" wherever they occur in this Act.

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

(*1*) *Municipal Districts.*

Declaration of municipal districts.

4. (*1*) Subject to the provisions of sections 6, 7 and 8, the [3][Provincial Government] may, from time to time, by notification in the [4][*Official Gazette*] declare any local area to be a municipal district, and may from time to time, byl a like notification, extend, contract or otherwise alter the limits of any municipal

[1] The words "Central Government" were substituted for the words "Government of India" by the Adaptation of Indian Laws Order in Council.

[2] The words "or the Central or any Provincial Government" were inserted, *ibid.*

[3] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

district, or declare that any local area shall, from a date to be specified in the notification, cease to be a municipal district.

(*2*) Every such notification constituting a new municipal district, or altering the limits of an existing municipal district, shall clearly set forth the local limits of the area to be included in or excluded from such municipal district, as the case may be. Limits to be specified in notification.

(*3*) It shall be the duty of the Municipality in every municipal district already existing, and of every Municipality newly constituted under this Act, and of every Municipality whose local limits are altered as aforesaid, to cause, at their own cost, to be erected or set up, if and when so required by the Collector, and thereafter to maintain, at their own cost, substantial boundary marks of such description and in such positions as shall be approved by the Collector, defining the limits or the altered limits of the municipal district subject to its authority, as set forth in the notification. Erection and maintenance of boundary-marks.

(*4*) When any local area ceases to be a Municipal district, the Municipality constituted therein shall cease to exist, and the property and rights vested in any such Municipality shall, subject to all charges and liabilities affecting the same, vest in His Majesty, and the proceeds thereof, if any, shall be expended under the orders of the [1][Provincial Government] for the benefit of the local areas in which such Municipality had jurisdiction. Property and rights of Municipality which has ceased to exist to vest in His Majesty.

5. Municipal districts constituted under section 4 may be either periodical or permanent. Municipal districts to be periodical or permanent.

6. Any local area in which a periodical fair is held or which is visited periodically by pilgrims, together with any neighbouring local area to which the people attending such fair or the pilgrims resort whilst such fair or pilgrimage lasts, may be declared a periodical municipal district at and throughout certain specified recurring seasons. What local areas may be declared to be periodical municipal districts.

7. (*1*) Any local area which comprises—

(*a*) a city, town or station, or two or more neighbouring cities, towns and stations, with or without any village, suburb, or land adjoining thereto, or

(*b*) a village or suburb or two or more neighbouring villages and suburbs, may be declared a permanent municipal district: What local areas may be declared to be permanent municipal districts.

Provided that, except—

(*a*) in the case of hill-stations, or

(*b*) for exceptional reasons, which shall be clearly set forth in the proclamation under section 8 and in the notification issued under section 4,

it shall not be lawful—

(*i*) to include any city, town, station or suburb in a permanent municipal district with any other city, town, station or suburb from which it is separated by an extent of more than one mile of land unoccupied by houses; or

(*ii*) to constitute any municipal district in any area of which the population is less then two thousand.

(*2*) When two or more places bearing different names are formed into one municipal district, the name of the municipal district shall be determined by the Commissioner. Naming of municipal districts comprising two or more places.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Permanent municipal districts.

8. (*1*) Not less than two months before the publication of any notification declaring any local area a permanent municipal district, or altering the limits of any such district, or declaring that any local area shall cease to be a municipal district, the [1][Provincial Government] shall cause to be published in the [2][*Official Gazette*], in English, and in at least one of the local newspapers, if any, in the language of the district in which such local area is situated, and to be posted up in conspicuous spots in the said local area in the language of the said district, a [3]proclamation announcing that it is proposed to constitute such local area a municipal district, or to alter the limits of the municipal district in a certain manner, or to declare that such local area shall cease to be a municipal district, as the case may be, and requiring all persons who entertain any objection to the said proposal to submit the same, with the reasons therefor, in writing to the Collector within two months from the date of the said proclamation, and whenever it is proposed to add to or exclude from a municipal district any inhabited area, it shall be the duty of the Municipality also to cause a copy of such proclamation to be posted up in conspicuous places in such area.

(*2*) The Collector shall, with all reasonable despatch, forward every objection so submitted to [4][the Provincial Government].

(*3*) No such notification as aforesaid shall be issued by the [1][Provincial Government] unless the objections, if any, so submitted are, in [5][its] opinion insufficient or invalid.

(*2*) *Municipalities.*

Constitution and incorporation of Municipalities.

9. In every municipal district there shall be a Municipality, and every such Municipality shall be a body corporate by the name of "The Municipality of —", and shall have perpetual succession and a common seal, and may sue and be sued in their corporate name.

Municipalities to consist of elected and nominated councillors.

10. (*1*) Except as is hereinafter otherwise provided, every such Municipality shall consist of—

(*a*) elected councillors;

[6]* * * * *

Failure to elect.

(*2*) Any vacancies due to failure to elect the full number of elected councillors which under this section might be elected, may, notwithstanding anything in this Act contained, be filled up by nomination by the Commissioner.

The Provincial Government may determine number councillors and make rules for regulating elections.

[7][**11.** (*1*)] The [1][Provincial Government] shall from time to time, generally or specially for each Municipality,—

(*a*) determine the number of councillors;

[8]* * * * *

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] For instance of such a proclamation, *see Bombay Government Gazette*, 1908, Pt. I-A, p. 21.

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The word "its" was substituted for the word "his", *ibid.*

[6] Clause (*b*) and proviso to section 10 (*1*) were deleted by Bom. 9 of 1938, s. 2.

[7] Section 11 was re-numbered as section 11, sub-section (*1*), by Sch. 1 of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[8] Clause (*b*) was deleted by Bom. 9 of 1938, s. 3.

(*c*) make rules consistent with this Act, for

(*i*) fixing the dates and the time and manner of holding elections, general or casual, of councillors to be elected;

(*ii*) prescribing the number [1][and the extent of the wards to be constituted in each municipal district, the number of councillors to be elected by each ward and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, Backward tribes, Indian Christians and Anglo-Indians]; and the qualifications of candidates and of voters other than as hereinafter provided;

(*iii*) preparing and revising the list of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm, or any other association or body of individuals or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised, and prescribing the restrictions, if any, on the number of votes which a voter may give;

(*iv*) determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what judicial authority the appeals as to such entries and omissions shall lie;

(*v*) prescribing the date, subject to the provisions of sub-section (*1*) of section 13 for the publication of the Municipal Election Roll;

(*vi*) regulating generally such elections.

[2][*Explanations.*—For the purposes of this sub-section—

(*1*) "Anglo-Indian" means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India;

(*2*) "Backward tribe" means a tribe specified in Part II of the Thirteenth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936;

(*3*) "Harijan" means a person belonging to a Scheduled Caste as defined in the Government of India (Scheduled Castes) Order, 1936;

(*4*) "Indian Christian" means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent.]

[3][(*2*) The [4][Provincial Government] may from time to time delegate to the Commissioner any or all of the powers granted to the [4][Provincial Government] by clause (*c*), sub-clauses (*i*), (*iii*), (*iv*), (*v*) and (*vi*) of [5][sub-section (*1*)], subject to such restrictions or conditions, if any, as the [4][Provincial Government] may attach to the delegation.]

Persons qualified as candidates are to be entered in the list of voters.

[6][12. Subject to the provisions of section 13 and section 13A and to the disqualifications mentioned in section 15, section 21, sub-sections (*3*) and (*6*) of section 22

[1] This portion was substituted for the original by Bom. 41 of 1947, s. 3 (*1*).

[2] The Explanations were inserted by Bom. 41 of 1947, s. 3 (*ii*).

[3] Sub-section (*2*) was inserted by Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] The words, figure and brackets "sub-section (*1*)" were substituted for the words "this section" by Bom. 12 of 1931, s. 2 (*i*).

[6] Section 12 was substituted for the original section by s. 3 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

and sub-section (*3*) of section 22A, [1][and subject to any disqualification imposed under any other law for the time being in force],

(*1*) (*a*) every Honorary Magistrate, and

(*b*) every Fellow and every Graduate of any University, and

(*c*) every Advocate of the High Court and every Pleader holding a sanad from the High Court, and

(*d*) every juror and assessor,

who, for a period of not less than six months next preceding the date on which by the rules referred to in clause (*c*) [2][of sub-section (*1*)] of section 11 a list of voters is required to be prepared or revised in a municipal district for election purposes, has been resident in such district,

shall be qualified as a candidate and to be entered in the list of voters for such district; and

(*2*) every person who for the like period has paid the qualifying tax, shall be qualified to be entered in the list of voters for such district; and he shall also be qualified as a candidate if he has been resident for the like period in such district or within seven miles of the limit thereof.

Explanation 1.—For the purposes of this section a person shall be deemed to be resident in or within seven miles of the limits of a municipal district if he ordinarily resides or has his principal place of residence in or within seven miles of the limits of such district.

Explanation 2.—For the purposes of this section 'the qualifying tax' means a tax, other than octroi, toll and the tax on vehicles and animals plying for hire or kept for the purpose of being let for hire, imposed in a municipal district, of an amount not less than such minimum as shall for the time being be fixed for such district by the [3][Provincial Government] in the case of Cty Municipalities and by the Commissioner in other cases.]

Operation of lists.

13. (*1*) When, in accordance with rules framed under sub-clauses (*iii*) and (*iv*) of clause (*c*) [2][of sub-section (*1*)] of section 11 a list of voters has been prepared or, upon a general revision, completed, a copy thereof signed by such person as may be designated in this behalf in the rules aforesaid, shall be the Municipal Election Roll. A new Election Roll shall be published in each year on such date as may be prescribed by the rules, and shall continue in operation for a period of twelve months from that day:

Provided that if a new Election Roll is not published in any year before the date prescribed, the roll then in operation shall continue in operation until the new roll is published.

Right to vote to depend on entry in roll.

(*2*) At every election of councillors every person enrolled in the Municipal Election Roll as for the time being in operation under sub-section (*1*) shall be deemed to be entitled to vote, and every person not so enrolled shall be deemed to be not entitled to vote.

Enrolment in Municipal Election Roll necessary for elected councillor.

[4][**13A.** A person shall not be qualified to be elected a councillor unless he is enrolled in the Municipal Election Roll:

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[1] These words were inserted by s. 5 (*1*) of the Bombay Municipal and Local Boards (Amendment) Act, 1917 (Bom. 6 of 1917).

[2] The words, figure and brackets "of sub-section (*1*)" were inserted by Bom. 12 of 1931, s. 2 (*ii*).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] Section 13A was inserted by s. 4 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

Provided that if any company, body corporate, or other association of individuals is enrolled in the Municipal Election Roll, any one person duly authorised in this behalf to represent such association shall be deemed to be qualified to be elected a councillor.] Representative of an Association.

14. (*1*) (*a*) Nothing in the [1][four] sections last preceding shall apply to any permanent municipal district at a hill-station, or to any permanent municipal district to which, owing to the smallness of such district, or to the backward state or indifference of its inhabitants, or for other such exceptional reason, the [2][Provincial Government] shall, in a notification setting forth such reasons and published in the [3][*Official Gazette*], at any time declare the provisions of the said sections to be unsuitable. Constitution of Municipalities in exceptional cases.

(*b*) In any such municipal district the Municipality shall consist either entirely of nominated councillors or partly of nominated and partly of elected councillors, in such proportions, and appointed or elected by such persons, in such manner, and subject to such conditions, as the [2][Provincial Government] in the notification published under clause (*a*), or in any subsequent notification published as aforesaid, shall think fit to prescribe.

(*c*) It shall be competent to the [2][Provincial Government] at any time to alter or rescind any notification issued by [4][it] under this section and in the event of any notification under clause (*a*) being rescinded, the Municipality affected thereby shall, from a date to be fixed in this behalf by the [2][Provincial Government], be constituted in accordance with the [1][four] sections last preceding.

(*2*) The powers and duties conferred and imposed by this Act on Municipalities shall, in a periodical municipal district, be respectively exercised and discharged by a neighbouring Municipality nominated in this behalf by [5][the Provincial Government], or by a Municipality specially constituted for the time being and consisting of such councillors nominated in such manner as the [2][Provincial Government] directs. Periodical municipal districts.

(*3*) If in any periodical municipal district, any tax has been or shall have been imposed, or any rule or by-law has been or shall have been made, under the provisions of this Act or any Act hereby repealed, such tax, unless and until it has been modified, suspended or abolished, shall be leviable, and such rule or by-law, unless and until it has been altered or rescinded, shall have effect, in such district, throughout each recurring season during which the district is, by virtue of a declaration under section 6, a periodical municipal district. Taxes, rules and by-laws in periodical municipal districts.

(*3*) *Municipal Councillors.*

15. (*1*) No person may be a councillor— General disqualifications for becoming a councillor.

[6](*a*) who

(*i*) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, if and so long as such sentence has not expired ;

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[1] This word was substituted for the word "three" by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[4] The word "it" was substituted for the word "him", *ibid.*

[5] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[6] Clause (*a*) was substituted for the original clause by Bom. 15 of 1925, s. 2.

or

(*ii*) has been removed from office under section 16, unless he has, by an order which the [1][Provincial Government] is hereby empowered to make, [2][it] shall think fit, in this behalf, been relieved from the disqualification arising on account of such sentence or removal from office, or

(*b*) who is an uncertificated bankrupt or an undischarged insolvent, or

(*c*) who is less than twenty-one years of age, [3]* * * *

or

(*d*) who is a Judge;

and no person

(*e*) who is a subordinate officer or servant of a Municipality, or

(*f*) who, save as hereinafter provided, has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a Municipality, or in any contract or employment with or under, or by, or on behalf of, a Municipality,

may be a councillor of such Municipality:

Provided that a person shall not be deemed to have incurred such disqualification or to have any share or interest in any such work or in any such contract or employment, by reason only of his—

(*i*) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same,

(*ii*) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the Municipality, or

(*iii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Municipality may be inserted, or

(*iv*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the Municipality, or

(*v*) being professionally engaged on behalf of the Municipality as a legal practitioner, or

[4][(*vi*) having a share or interest in the occasional sale to the Municipality of any article in which he regularly trades, or in the purchase from the Municipality of any article, to a value in either case not exceeding in any official year five hundred rupees, or such higher amount not exceeding two thousand rupees as the Municipality with the sanction of [5][the Provincial Government] may fix in this behalf, or]

[4][(*viA*) having a share or interest in the occasional letting out on hire to the Municipality, or in the hiring from the Municipality, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the Municipality with the sanction of [5][the Provincial Government] may fix in this behalf, or]

(*vii*) being a party to any agreement made with the Municipality under the provisions of [6][section 71] or of proviso (*a*) to sub-section (*1*) of section 156.

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[1] The word "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "he", *ibid.*

[3] The words "or who is of the female sex", were repealed by Bom. 4 of 1924, s. 2.

[4] These provisos were substituted for the original proviso by s. 5 (*2*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] This word and these figures were substituted for the word and figures "section 73" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

(*2*) If any councillor during the term for which he has been elected or appointed— Disabilities from continuing a councillor.

(*a*) becomes disqualified under sub-section (*1*), or

(*b*) acts as a councillor in any matter—

(*i*) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in clause (*i*), (*ii*), (*iii*), (*vi*) or (*vii*) of the proviso to sub-section (*1*), or

(*ii*) in which he is professionally interested on behalf of a client, principal or other person, or

(*c*) departs beyond the limits of the presidency with the declared or known intention of absenting himself continuously for a period exceeding six months, or

(*d*) by becoming a salaried [1][servant of the Crown] causes the number of nominated commissioners who are salaried [1][servants of the Crown] to exceed the proportion prescribed in the proviso of sub-section (*1*) of section 10, or

[2][(*e*) not being a president or vice-president or a salaried [1][servant of the Crown], absents himself during four successive months from the meetings of the Municipality, except with the leave of the municipality,]

[3][(*f*) fails to pay any arrears of any kind due by him to the municipality within three months after a special notice in this behalf has been served upon him]; he shall [4][subject to the provisions of sub-section (*3*)] be disabled from continuing to be a councillor and his office shall become vacant.

[5][(*3*) In every case, the authority competent to decide whether a vacancy has occurred under this section shall be the Collector. The Collector may give his decision either on an application made to him by any person or on his own motion. Until the Collector decides that the vacancy has arisen, the councillor shall not be disabled under sub-section (*2*) from continuing to be a councillor. An appeal shall lie against every such decision of the Collector to the Provincial Government in the case of city municipalities and to the Commissioner in other cases and the orders passed by the Provincial Government or the Commissioner in such appeal shall be final: Powers of Provincial Government and of the Commissioner to decide whether vacancy has occurred.

Provided that no order shall be passed under this sub-section by the Collector against any councillor without giving him a reasonable opportunity of being heard.]

[6][**15A.** Any councillor may resign his office by giving notice in writing to that effect to the president, and the president may resign his office by giving notice in writing to that effect to the Commissioner.] Resignation.

16. The [7][Provincial Government] [8][in the case of City Municipalities, and the Commissioner in other cases], if [9][it or he] thinks fit, on the recommendation Liability to removal from office.

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[1] The words "servant of the Crown" and "servants of the Crown" were substituted for the words "servant of Government" and "servants of Government" respectively by the Adapatation of Indian Laws Order in Council.

[2] This clause was substituted for the original clause by section 5(*3*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[3] Clause (*f*) was inserted by Bom. 12 of 1931, s. 2 (*iii*).

[4] This portion was inserted by Bom. 8 of 1939, s. 2(*a*) (*i*).

[5] This sub-section was substituted for the original, *ibid.*, s. 2(*a*) (*ii*).

[6] Section 15A was inserted by s. 6 of the Bombay District Municipal (Amendment) Act, 1914 (Bom. 8 of 1914).

[7] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[8] These words were inserted by Sch. 1 of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[9] The words "it or he" were substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

of the Municipality, may remove any councillor elected or appointed under this Act, if such councillor has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a councillor.

Term of office.

[1][17. (*1*)] Councillors nominated or elected at a general election under this Act shall, save as provided in the next following section, or unless they become in the meantime disabled, or are removed from office under section 16, or section 179, hold office for a term of three years, extensible by order of the Commissioner to a term not exceeding in the aggregate four years if on any occasion the Commissioner shall think fit, for reasons which shall be notified together with the order in the [2][*Official Gazette*], so to extend the same.

[3][Provided that before such order is made the Commissioner shall invite and consider objections, if any, from the voters entitled to vote at the municipal election in the municipal district concerned.]

[4][(*2*) (*a*) The term of office of such councillors shall be deemed to commence on the date of the first general meeting which shall be held after such election and after the expiry of the term of the outgoing councillors hereinbefore provided and at which a quorum shall be present; and

(*b*) the term of office of the outgoing councillors shall be deemed to extend to and expire with the day before the date of such meeting.]

Casual vacancies how to be filled up.

18. In the event of the death, resignation, disqualification, disability or removal of a councillor previous to the expiry of his term of office, the vacancy shall be filled up, as soon as it conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the councillor in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Re-eligibility of councillors.

19. A person who has already been elected or appointed a councillor on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Publication of names of councillors in the *Official Gazette*.

20. The names of all councillors finally elected to any Municipality, as well as the names of the nominated councillors, if any, appointed thereto, shall be published, as soon as conveniently may be, in the [2][*Official Gazette*].

(*4*) *Municipal Elections.*

General disqualifications of voters.

21. No person who is less than twenty-one years of age shall be entitled to vote at any municipal election.

Determination of validity of elections.

22. (*1*) If the validity of any election of a councillor is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, at any time within ten days after the date of the declaration of the result of the election, apply to the District Judge of the district within which the election has been or should have been held:

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[1] Section 17 was renumbered as section 17(*1*) by Bom. 26 of 1930, s. 2 (*1*).

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[3] This proviso was added by Bom. 26 of 1930, s. 2 (*1*).

[4] Sub-section (*2*) was inserted, *ibid.*, s. 2(*2*).

Bom. XVII of 1945.

[1][Provided that in the case of any election of a councillor of a municipality in any area specified in Part II of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, this sub-section shall be construed as if for the words "of the district within which the election has been or should have been held" the words "of Thana" were substituted.]

Powers of Judge holding inquiry.

(*2*) [2][An inquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge, appointed by the [3][Provincial Government] either specially for the case or for such cases generally, and such Judge] may, after such inquiry as he deems necessary, and subject to the provisions of sub-section (*3*), pass an order confirming or amending the declared result of the election, or setting the election aside. For the purposes of the said inquiry the said Judge may summon and enforce the attendance of witnesses, and compel them to give evidence as if he were a Civil Court, and he may also direct by whom the whole or any part of the costs of any such inquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure. The decision or order shall be conclusive. If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken for holding a fresh one.

[4][(*2A*) All applications received under sub-section (*1*)—

(*a*) in which the validity of the election of councillors elected to represent the same constituency is in question shall be heard by the same Judge; and

(*b*) in which the validity of the election of the same councillor elected to represent the same constituency is in question shall be heard together.

Explanation.—For the purposes of this sub-section a constituency shall mean each ward or a public body or association constituted or entitled to elect councillors.]

V of 1908.

[4][(*2B*) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the Judge shall not permit (*a*) any application to be compromised or withdrawn or (*b*) any person to alter or amend any pleading, unless he is satisfied that such application for compromise or withdrawal or the application for such alteration or amendment if *bona fide* and not collusive.]

Declaration in case of corrupt practice by a candidate.

(*3*) (*a*) The Judge, if satisfied that a candidate has, within the meaning of sub-section (*4*), committed any corrupt practice for the purpose of the election, shall declare the candidate disqualified both for the purpose of that election, and of such fresh election as may be held under sub-section (*2*), and shall set aside the election of such candidate if he has been elected.

Scrutiny of votes and declaration in other cases.

(*b*) If in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour, to have been duly elected:

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

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[1] This proviso was added by Bom. 17 of 1945, s. 9, sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[2] These words were substituted for the words "The District Judge or such other Judge as may be appointed by the Governor in Council on this behalf" by s. 5(2) of the Bombay Municipal and Local Boards (Amendment) Act, 1917 (Bom. 6 of 1917).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] Sub-sections (*2A*) and (*2B*) were inserted by Bom. 14 of 1936, s. 2 (*1*).

What is a corrupt practice.

(*4*) A person shall be deemed to have committed a corrupt practice within the meaning of the last preceding sub-section,

(*i*) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit or holds out any threat of injury, to any person,

or,

(*ii*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

Candidate when deemed to have committed corrupt pratice.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Promise of individual profit.

Explanation.—A "promise of individual profit" includes a promise for the benefit of the person himself, or of any one in whom he is interested. It does not include a promise to vote for or against any particular municipal measure.

Mere irregularities and informalities not to invalidate election.

(*5*) If the validity of the election is brought in question only on the ground of any error by the officer or officers charged with carrying out the rules made under clause (*c*) [1][of sub-section (*1*)] of section 11, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

Disqualification of candidate for corrupt practice.

(*6*) If the Judge sets aside an election under clause (*a*) of sub-section (*3*), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section, to be disqualified from being a candidate in that or any other municipal district for a term of years not exceeding seven, and the Judge's decision shall be conclusive: provided, however, that such person may by an order which the [2][Provincial Government] is hereby empowered to make if [3][it] shall think fit, in that behalf, be at any time relieved from such disqualification.

Corrupt practices: criminal offences and procedure.

[4][**22A.** (*1*) (*a*) Whoever in any election under this Act, directly or indirectly, by himself or by any other person on his behalf, shall, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offer or give any money or valuable consideration or hold out any promise of individual profit or hold out any threat of injury to any person, and

(*b*) whoever shall give, procure, or abet the giving of a vote in the name of a voter, who is not the person giving such vote,

shall be liable to a fine not exceeding two hundred rupees for every such offence.

(*2*) Whoever, being qualified to vote at any election under this Act or claiming to be so qualified, accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person any money or valuable consideration or any individual profit as a motive or reward for giving or forbearing to give his vote in any such election shall be liable to a fine not exceeding one hundred rupees for every such offence.

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[1] The words, figure and brackets "of sub-section (*1*)" were inserted by Bom. 12 of 1931, s. 2 (*ii*).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The word "it" was substituted for the word "he", *ibid.*

[4] Section 22A was inserted by s. 2 of the Bombay Municipal and Local Boards (Amendment) Act 1917 (Bom. 6 of 1917).

Explanation.—In sub-section (*1*) and sub-section (*2*) "individual profit" includes a benefit accruing to the person himself or to any one in whom he is interested. It does not include a promise to vote for or against any measure which may come before a Municipality for consideration.

(*3*) Every person convicted under sub-section (*1*) or sub-section (*2*) shall, for such period not exceeding seven years from the date of the conviction as the Court may direct, be disqualified from voting at any municipal election or at any election to a local board constituted under the [1]Bombay Local Boards Act, 1884, and from being a councillor in any municipal district or a member of any such local board.

Bom. I of 1884.

(*4*) An offence under this section shall not be triable by a Criminal Court inferior to that of a Magistrate of the first class and shall not be triable in a summary way.

(*5*) No Court shall take cognizance of any offence under this section except on the complaint of the Judge who has held an inquiry under section 22, or before whom such inquiry is pending.

(*6*) No prosecution for an offence under this section shall be instituted except within the six months next after the date of the declaration of the result of the election.

(*7*) An appeal shall lie to the Court of Session against any sentence or order passed by a Magistrate under sub-section (*1*), sub-section (*2*) or sub-section (*3*).]

(*5*) *Presidents and Vice-Presidents.*

23. (*1*) Every Municipality shall be presided over by a president who shall be selected from among the councillors. Selection of president.

President how appointed or when to be elected.

(*2*) Every president shall be either—

(*a*) appointed by the [2][Provincial Government] by name; or

(*b*) an *ex-officio* president, that is to say, a person executing the functions of any office which the [2][Provincial Government] from time to time notifies in this behalf; or

(*c*) if the [2][Provincial Government] so directs, elected by the Municipality.

Election of vice-president, subject in certain cases to confirmation.

(*3*) There shall be a vice-president for every Municipality elected by the councillors from among their number, but if the president is appointed by the [2][Provincial Government] or is president *ex-officio*, the result of the election shall, if, the [2][Provincial Government] by general or special order from time to time so directs be subject to the approval of the [2][Provincial Government], or of the Commissioner.

Effect of notification of *ex-officio* president.

(*4*) When an office has been notified under clause (*b*) of sub-section (*2*), the person from time to time executing the functions of that office shall be and shall continue to be president, unless and until such notification is altered or rescinded by the [2][Provincial Government.]

Consequences of absence of president

(*5*) Except in the case of a salaried [3][servant of the Crown] who is either an appointed or an *ex-officio* president, every president, who for a period exceeding three months, and every vice-president who for a period exceeding fifteen days,

[1] *See* now the Bombay Local Boards Act, 1923 (Bom. 6 of 1923).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "servant of the Crown" were substituted for the words "servant of Government", *ibid.*

or vice-president without leave.

shall absent himself from the municipal district in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president unless leave so to absent himself has been granted—

(*a*) by the [1][Commissioner], in the case of a president appointed under clause (*a*) of sub-section (*2*),

(*b*) by the Municipality, in the case of an elected president or of a vice-president:

Provided that such leave to a vice-president shall be subject to the approval

(*i*) of the [2][Provincial Government], in the case of a vice-president elected subject to the approval of the [2][Provincial Government], or

(*ii*) of the Commissioner, in the case of a vice-president elected subject to the approval of the Commissioner.

Limit to grant of leave, and arrangements pending absence of vice-president.

(*6*) Leave under the last preceding sub-section shall not be granted for a period exceeding six months, and whenever leave is granted to a vice-president under that sub-section a councillor shall be elected, subject to the conditions to which the election of the vice-president so absenting himself was subject, to perform all the duties and exercise all the powers of a vice-president during the period for which such leave is granted.

Liability of president and vice-president to removal and term of office.

(*7*) Every president and every vice-president shall be removable from his office as such president or vice-president by the [2][Provincial Government] for misconducts or neglect of or incapacity to perform his duty, and the term of office of every president, and of every vice-president, shall cease on the expiry of his term of office as councillor.

President and vice-president to continue to carry on certain duties until their successors take over charge.

[3](*7A*) On the expiry of the term of office of a municipality the president and vice-president shall continue to carry on the current administrative duties of their offices until such time as a new president and vice-president shall have been appointed or elected and shall have taken over charge of their duties:

[5](*8*) In the case of a municipality the president of which is elected under clause (*c*) of sub-section (*2*), when a new municipality is constituted after a general election or otherwise, the Collector, or such other officer as the Collector may by order in writing authorise in this behalf, shall call a meeting for the election of a new president and vice-president. Such meeting shall be called within twenty-five days from the date on which the names of the councillors of the new municipality are published in the *Official Gazette* under section 20, but shall not be held on a date prior to the date on which the term of office of the retiring councillors prescribed or extended, as the case may be, under sub-section (*1*) of section 17 expires, or which is fixed for the dissolution of the municipality under sub-section (*2*) of section 179, or on which the municipality is re-established under sub-section (*5*) of section 179 after its supersession, as the case may be.

(*9*) The meeting called under sub-section (*8*) shall, until the municipality elects its own chairman for that meeting, be presided over by one of the persons appointed

[1] This word was substituted for the words "Governor in Council" by Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] Sub-section (*7A*) was inserted by Bom. 26 of 1930, s. 3 (*a*).

[4] The proviso was deleted by Bom. 8 of 1939, s. 2 (*b*) (*i*).

[5] Sub-sections (*8*) to (*13*) were substituted for sub-sections (*7B*) to (*10*), *ibid.*, s. 2 (*b*) (*ii*).

by the Collector in the manner hereinafter provided if the meeting is called by the Collector or, by one of the persons appointed by an officer authorised in this behalf by the Collector if the meeting is called by such officer.

(*10*) For the purposes of sub-section (*9*), the Collector or the officer authorised by the Collector to call the meeting, as the case may be, shall select three persons who shall be councillors of the new municipality after obtaining their consent in writing to the selection, and shall arrange their names in a list in order of preference. The retiring president, if any, and the retiring vice-president, if any, shall, if they consent, be among the persons selected and shall, if both of them consent, be placed respectively first and second in the list. If either the retiring president or the retiring vice-president alone consents, he shall be placed first in the list. The person whose name is placed first in the list shall preside at the meeting called under sub-section (*8*), but if such person is absent or is unable or fails for any reason to preside, the person whose name is placed second in the list shall preside. If the persons whose names are placed first and second in the list are both absent or are unable or fail for any reason to preside, the person whose name is placed third shall preside. If none of the three persons named in the list is present or able or willing to preside the meeting shall not be held, and the Collector, or the officer authorised by the Collector to call the meeting, as the case may be, shall as soon as may be, call a fresh meeting and shall select three other persons in the manner prescribed above, one of whom shall preside thereat in the order specified above.

(*11*) If in the election of a chairman for the meeting called under sub-section (*8*) there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the person presiding in such manner as he may determine. As soon as a chairman is elected he shall take the chair, and the meeting shall then proceed to elect the new president. The president shall take the chair as soon as he is elected and the meeting shall then proceed to elect the new vice-president.

(*12*) In the case of a municipality the president of which is appointed under clause (*a*) or (*b*) of sub-section (*2*) when a new municipality is constituted after a general election or otherwise, the municipality shall elect a vice-president at the first meeting held of such municipality.

(*13*) In the event of the non-acceptance of office, death, resignation or removal from office of a president, other than an *ex-officio* president, or of a vice-president, or of his election being void or of his becoming incapable of acting in such office or having ceased to be a president or a vice-president under sub-section (*5*), or a councillor under sub-section (*2*) of section 15, previous to the expiry of his term of office as president or vice-president, the vacancy shall be filled up within twenty-five days from the occurrence of the vacancy by the election or appointment, as the case may be, of some other councillor thereto. The provisions of sub-sections (*8*), (*9*), (*10*) and (*11*) shall be applicable so far as may be, to the calling of a meeting and the procedure to be followed at such meeting for the election of a president under this sub-section.]

[1]**23A.** (*1*) Except as in this Act otherwise expressly provided the municipal government of a municipal district vests in the Municipality. Municipal government vests in the Municipality.

(*2*) In a municipal district for which there is a municipal commissioner the executive power for the purpose of carrying out the provisions of this Act vests in the Municipal Commissioner subject, wherever it is in this Act expressly so directed

[1] Section 23A was inserted by Bom. 8 of 1914, s. 7.

to the approval or sanction of the Municipality and subject also to all other restrictions, limitations and conditions imposed by this Act.

Functions of president.

24. (*1*) It shall be the duty of the president of a Municipality to —

(*a*) preside, unless prevented by reasonable cause, at all meetings of the Municipality, and subject to the provisions of the rules for the time being in force under clause (*a*) of section 46 to regulate the conduct of business at such meetings ;

(*b*) watch over the financial and executive administration of the Municipality, and, subject to the rules of the municipality at the time being in force, to perform such executive functions as may be performed by or on behalf of the Municipality over which he presides ;

(*c*) exercise supervision and control over the acts and proceedings of all officers and servants of the Municipality in matters of executive administration and in matters concerning the accounts and records of the Municipality ; and, subject to the rules of the Municipality at the time being in force, to dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances ;

(*d*) furnish to the Collector, or to such other officer as the Collector shall from time to time nominate in this behalf, a copy of every resolution passed at any meeting of the Municipality and any extract from the minutes of the proceedings of the Municipality or of any committee or other document or thing which the Collector from time to time calls for under section 173 :

Functions of Municipal Commissioner.

[1][Provided that in a municipal district for which there is a Municipal Commissioner, the duties and powers of the president under clauses (*b*), (*c*) and (*d*) of this sub-section shall, subject to the provisions of this Act and save where it is otherwise expressly provided in this Act, be performed and exercised by such Municipal Commissioner.]

President in what cases to have only a casting vote.

(*2*) When the president of a Municipality is a salaried [2][servant of the Crown], and is either an *ex-officio* president or has been appointed to be president by the [3][Provincial Government], he shall not vote upon any questions which come before such Municipality for decision unless there is an equality of votes of the other councillors present for and against the proposition under consideration, in which case he shall have a casting vote.

Functions of vice-president.

25. It shall be the duty of the vice-president of a Municipality—

(*a*) in the absence of the president and unless prevented by reasonable cause to preside at the meetings of the Municipality and he shall when so presiding exercise the same authority as is vested in the president under [4][clause (*a*) of] sub-section (*1*) of section 24 ;

(*b*) to exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him ; and

(*c*) pending the succession, appointment, or election of a president, or during the absence of a president on leave, to exercise the powers and perform the duties of the president.

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[1] This proviso was added by s. 8 of the Bombay District Municipal (Amendment) Act, 1914 (Bom. 8 of 1914).

[2] The words "servant of the Crown" were substituted for the words "servant of Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[4] These words, letter and brackets were inserted by s. 1 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. 4 of 1904).

CHAPTER III.

CONDUCT OF BUSINESS.

(1) *Municipal meetings.*

26. The following provisions shall be observed with respect to the meetings of a Municipality :— Provisions in regard to meetings of a Municipality.

(1) Except in periodical Municipalities and in Municipalities at hill-stations there shall be held four ordinary general meetings in each year for the disposal of general business, on or about the tenth day of the months of January, April, July and October, respectively, and such other ordinary general meetings as the president may find necessary. In Municipalities at hill-stations there shall be held one ordinary general meeting on or about the tenth day of April, and not less than one other ordinary general meeting for the purpose aforesaid, in each year. In every periodical Municipality there shall be such and so many ordinary general meetings, as the president thereof shall from time to time determine. It shall be the duty of the president to fix the dates for all ordinary general meetings. Ordinary general meetings.

(2) The president may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the councillors, call a special general meeting. Special general meetings.

(3) Seven clear days' notice of an ordinary general meeting, and three clear days' notice of a special general meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat shall be circulated to the councillors, and posted up at the municipal office or the local kacheri or some other public building in the municipal district. The said notice shall include any motion or proposition which a councillor shall have given written notice not less than ten days previous to the meeting of his intention to bring forward thereat, and, in the case of a special general meeting, any motion or proposition mentioned in any written request made for such meeting. Notice to be given of meetings.

(4) Every meeting of a Municipality shall, except for reasons to be specified in the notice convening the meeting, be held in the building used as a municipal office by such Municipality. Municipal meetings to be held at municipal office.

(5) Every meeting shall, in the absence of both the president and vice-president, be presided over by such one of the councillors present as may be chosen by the meeting to be chairman for the occasion, and such chairman shall exercise thereat the powers vested in the president by clause (*a*) of sub-section (1) of section 24. Every meeting how presided over in the absence of the president and the vice-president.

(6) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Municipality such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings. Meeting must ordinarily be open to the public.

(7) If in a City Municipality less than one-third, and in any other Municipality less than one-half, of the whole number of councillors be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he Number of councillors required to form a quorum.

may reasonably fix, and a notice of such adjournment shall be fixed up in the municipal office, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof whether there be a quorum present or not.

What business to be transacted at meetings and order of business how to be settled.

(*8*) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any general meeting unless it has been mentioned in the notice convening such meeting or, in the case of a special general meeting, in the written request for such meeting. The order in which any business that may be transacted or any proposition that may be discussed at any meeting in accordance with this sub-section, shall be brought forward at such meeting, shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business, or to any particular proposition shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

Minutes of proceedings to be kept.

(*9*) In every City Municipality there shall be kept in English, and, if the Municipality so resolve, in the vernacular language also, and in every other Municipality there shall be kept in the vernacular language, and if the Municipality so resolve in English, either in lieu of or in addition to the vernacular, minutes of the names of the councillors and of the [1][servants of the Crown], if any, present under the provisions of sub-section (*14*), and of the proceedings at each general meeting, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the presiding authority of such meeting, and shall at all reasonable times be open to inspection by any inhabitant of the municipal district.

All questions to be decided by a majority of votes.

(*10*) All questions shall be decided by a majority of votes of the councillors present and voting, the presiding authority, save as provided in sub-section (*2*) of section 24, having a second or casting vote in all cases of equality of votes. Votes shall be taken and results recorded in such manner as may be prescribed by rules in that behalf for the time being in force under clause (*a*) of section 46.

Adjournments of meetings.

(*11*) Any general meeting may, with the consent of a majority of the councillors present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

Modification and cancellation of resolutions.

(*12*) No resolution of a Municipality shall be modified or cancelled within three months after the passing thereof except by a resolution supported by not less than one-half of the whole number of councillors and passed at the general meeting whereof notice shall have been given fulfilling the requirements of sub-section (*3*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

[1] The words "servants of the Crown" were substituted for the words "Government officers" by the Adaptation of Indian Laws Order in Council.

(*13*) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed for the Municipality by a Government Executive Engineer, or to any education matter, shall be transacted at any meeting of a Municipality unless, at least fifteen days previous to such meeting, a letter has been addressed to the said Executive Engineer or to the Educational Inspector of the district, informing him of the intention to transact such business thereat, and of the motions or propositions to be brought forward concerning such business.

Notice of certain business to be given to the Government Executive Engineer or Educational Inspector.

(*14*) (*a*) The members of the Sanitary Board, and the Executive Engineer, Educational Inspector and Deputy Sanitary Commissioner of a district, and the Civil Surgeon in a district when charged with any of the duties of a health officer therein, if not members of a Municipality within the district, shall have the right of being present at any meeting of such Municipality, and, with the consent of the Municipality, each of them may take part at such meeting in the discussion or consideration of any question, on which, in virtue of the duties of his office, he considers his opinion or the information which he can supply will be useful to such Municipality :

Certain servants of the Crown may attend meetings of Municipalities.

Provided that the said officers shall not, unless they are members of the Municipality, be entitled to vote upon any such question.

(*b*) If it shall appear to a Municipality that the presence of the Executive Engineer, Educational Inspector, Deputy Sanitary Commissioner or Civil Surgeon of or in the district, is desirable for the purpose aforesaid at any future meeting of such Municipality, it shall be competent to such Municipality, by letter addressed to such officer not less than fifteen days previous to the intended meeting, to require his presence thereat ; and the said officer unless prevented by sickness, or other reasonable cause, shall be bound to attend such meeting :

Municipalities may require the presence of the said servants of the Crown at their meetings.

Provided that such officer on receipt of such letter may, if unable to be present himself, instruct a Deputy or Assistant or other competent subordinate as to his views, and may send him to the meeting as his representative, instead of appearing thereat in person.

[1][**26A.** A Municipal Commissioner shall have the same right of being present at a meeting of the Municipality and of taking part in the discussions thereat as a councillor and with the consent of a majority of the councillors present, ascertained by a show of hands, without discussion, may at any time make a statement or explanation of facts, but he shall not be at liberty to vote upon, or to make any proposition at such meeting.]

Right of Municipal Commissioner to be present and to speak at municipal meetings.

(*2*) *Committees.*

27. (*1*) In every Municipality there shall be a committee called the managing committee, consisting of such number of councillors not exceeding nine or less than four, as may have been elected for a period not exceeding one year, in accordance with rules under clause (*a*) of section 46 :

Managing committees.

Provided that in any municipal district where there is a Chamber of Commerce, such Chamber shall, if the [2][Provincial Government] so directs be entitled to elect one councillor to be a member of the managing committee.

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[1] Section 26A was inserted by s. 9 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Powers of managing committees.

(2) The managing committee shall, subject

(i) to any limitations prescribed by the Municipality specially in this behalf and generally by rules made under clause (a) of section 46, and

(ii) to the provisions of Chapter XIII [1][and Chapter XIIIA],

exercise all the powers of the Municipality :

Provided that no managing committee shall exercise—

(a) any powers in connection with any school or educational institution in respect of which a committee is appointed under section 28, or

(b) any powers with which any committee appointed under section 29 is vested,

[2][(c) any powers of the Pilgrim Committee appointed under section 27A.]

Pilgrim Committee.

[3][**27A.** (1) In every municipality notified by [4][the Provincial Government] in this behalf there shall be a committee called the Pilgrim Committee consisting [5][of four councillors of whom one shall be the President of the Municipality and the other three shall be elected in accordance with rules made under clause (a) of section 46 and of two persons appointed by the Provincial Government, both of whom may be salaried servants of the Crown.]

(2) The members of the Pilgrim Committee shall hold office for the term of office of the councillors and thereafter up to the date on which a new Pilgrim Committee is constituted in accordance with the provisions of this section. In the case of supersession of the municipality or of the Pilgrim Committee, a new Pilgrim Committee shall be constituted by the Commissioner. Such Committee shall consist of six persons nominated by the Commissioner and shall continue until the municipality is re-established, and a new Pilgrim Committee is constituted in accordance with the provisions of this section, or, in case of supersession of the Pilgrim Committee, until the Pilgrim Committee is re-established.

(3) The Pilgrim Committee shall manage and administer the pilgrim fund established under proviso (c) to section 51 and shall exercise the powers and perform the duties of the municipality in respect of the said fund, subject to such limitations and restrictions as may be prescribed by the municipality by rules made in this behalf under clause (aa) of section 46.

(4) All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall be applicable, so far as may be, to the members nominated on the Pilgrim Committee.

(5) In the event of the death, resignation, disqualification, disability or removal of a nominated member previous to the expiry of his term of office, the vacancy shall be filled up by the appointment of a person thereto who shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred ;

(6) Section 36 shall not apply to the Pilgrim Committee ; provided that the municipality shall have power, at any time, to call for any extract from any proceedings of the Pilgrim Committee, and for any return, statement of account or

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[1] These words, figures and letter were inserted by s. 10 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[2] This clause was added by Bom. 4 of 1930, s. 2 (i).

[3] Section 27A was inserted, *ibid.*, s. 2 (ii).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] This portion was substituted for the original by Bom. 9 of 1938, s. 4.

report concerning or connected with any matter with which the Pilgrim Committee deals and every such requisition shall, without unreasonable delay, be complied with by the Pilgrim Committee.

(7) The provisions of sections 170, 171 and 172 shall, so far as may be, apply to the Pilgrim Fund Account and the Pilgrim Committee shall, with respect to the preparation and submission to the municipality of its annual budget, follow the following procedure, namely :—

"The Pilgrim Committee shall in sufficient time submit its annual budget and all alterations therein to the municipality for consideration, and, if the municipality agree to it, for its incorporation in the general municipal budget. If the municipality do not agree to the budget as framed by the Pilgrim Committee, they shall return it to the Pilgrim Committee, for reconsideration, either in whole or in part, together with any alterations which they may recommend, and if the Pilgrim Committee agrees to these alterations, the budget so altered shall be incorporated in the general municipal budget. If the municipality and the Pilgrim Committee fail to reach an agreement, the budget with a statement of the points in dispute shall be referred by the municipality to the Commissioner, whose decision on such points shall be final."

(8) The provisions of sections 173, 174, 175, 178 and 179 shall apply to a Pilgrim Committee, and in their application to a Pilgrim Committee the said sections shall be construed, so far as may be, as if for the word 'municipality' occurring in the said sections the words 'Pilgrim Committee' were substituted, and as if the words "other than a city municipality in such taluka" occurring in sub-section (2) of section 173 were omitted.]

School committees.

28. The Municipality may appoint, subject to such limitations as are prescribed by the rules for the time being in force under section 46 and subject also to the proviso contained in [1][section 58], a committee consisting of such councillors as they think fit, for managing all or any primary or other schools vested in or maintained by the Municipality, or for conducting the business of the Municipality in respect of any educational institutions aided by the Municipality.

Other executive committees.

29. Subject to the limitations prescribed by the rules aforesaid, the Municipality may appoint, for a period not exceeding one year, any such committee or such or so many committees consisting of such councillors as they think fit for any purpose or respectively for any of the purposes, other than those specified in section 28, for which a managing committee may, under section 27, exercise the powers of a Municipality, and may invest each committee so appointed with such of the said powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed [2][not being, where a Pilgrim Committee is appointed, powers or duties referred to in section 27A].

Consultative committees.

30. The Municipality may from time to time appoint such or so many other committees consisting of such councillors as they think fit, and may refer to such committees for inquiry and report, or for opinion, such special subjects relating to the purposes of this Act as the Municipality shall think fit, and may at any time discontinue, or alter the constitution of, any such committee. The Municipality may direct that the report of any such committee shall be made to the managing committee, instead of to the Municipality.

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[1] This word and figures were substituted for "section 59" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

[2] These words, figures and letter were inserted by Bom. 4 of 1930, s. 2 (*iii*).

When persons other than councillors may serve on committees.

31. Notwithstanding anything contained in this Act, it shall be lawful for the Municipality from time to time, by a resolution supported by not less than one-half of the whole number of councillors, to appoint, as members of any committee under section 28, 29 or 30, any persons of either sex, who are not councillors, but who may in the opinion of such Municipality possess special qualifications for serving on such committee : provided that the number of persons so appointed on any committee shall not exceed one-third of the total number of the members of such committee.

Duties, etc., of such persons.

All the provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of councillors shall, [1]* * * * * be applicable so far as may be to such persons.

Casual vacancies—re-eligibility.

32. A vacancy occurring in a managing committee shall, as soon as possible, and a vacancy occurring in any other committee may be filled up by the election of a member from among the general body of councillors subject to the same provisions as those under which the member whose place is to be filled up, was elected. A councillor shall be eligible at any time for re-election as a member of any such committee notwithstanding that he has previously been a member of that committee.

When Chairman to be *ex-officio*.

33. (*1*) The president or vice-president, if appointed a member of any committee, shall be *ex-officio* chairman thereof.

[2]* * * * *

When no *ex-officio* chairman, Municipality may appoint chairman.

(*2*) The Municipality may appoint a chairman for every committee of which there is no *ex-officio* chairman.

When *ex-officio* or appointed chairman does not attend meeting, committee may appoint chairman of meeting.

(*3*) Every committee, of which there is an *ex-officio* chairman or a chairman appointed by the Municipality, shall, at each meeting which such chairman does not attend as chairman, appoint from its members a chairman for such meeting.

If there is no chairman *ex-officio* or appointed by the Municipality, committee may appoint chairman.

(*4*) Every committee, of which there is no *ex-officio* chairman or chairman appointed by the Municipality, shall appoint from time to time its own chairman from among its own members.

Procedure at meetings.

34. (*1*) The provisions of sub-sections (*4*), (*9*), (*10*) and (*14*) of section 26 shall be complied with in all proceedings of committees as if meetings of committees were included in all references to meetings of a Municipality contained in those provisions, and as if for the word "Municipality", where it occurs in the proviso to clause (*a*) of sub-section (*14*) of section 26, there were substituted the word "committee" :

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[1] The words "save as regards the disqualification on the ground of sex," were repealed by Bom. 4 of 1924, s. 4.

[2] The proviso which was added by Bom. 4 of 1930, s. 2 (*iv*), was omitted by Bom. 9 of 1938, s. 5

[1][Provided that, notwithstanding anything to the contrary contained in sub-section (*9*) of section 26, committees may record their proceedings either in English or in the vernacular language, as they may think fit.]

(*2*) Committees may meet and adjourn as they think proper, but the chairman of the committee may, whenever he thinks fit, and shall, upon the written request of the president of the Municipality or of not less than two members of a committee, call a special meeting of such committee.

Committees may meet when they think proper.

(*3*) No business shall be transacted at any committee meeting unless more than one-half of the members of the committee be present thereat.

Number of members required to form a quorum at committee meetings.

35. (*1*) Notwithstanding anything contained in the preceding section the chairman of the committee, whenever it appears to him unnecessary to convene a meeting, may, instead of so doing, circulate a written proposition of his own, or of any other member of the committee, or of any executive officer of the Municipality, for the observations and votes of the members of the committee.

Procedure by circular.

(*2*) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (*13*) of section 26, shall obtain thereupon the remarks, if any, which any [2][servant of the Crown], not a councillor, whose presence the Municipality would be entitled to require under the provisions of clause (*b*) of sub-section (*14*) of section 26, desires to record.

Propositions when to be sent to servants of the Crown for remarks.

(*3*) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

Decisions how to be taken on propositions circulated: and how to be recorded.

(*4*) Every decision arrived at by the committee under this section shall be recorded in the minute-book kept under sub-section (*9*) of section 26.

(*5*) Notwithstanding anything in this Act contained, the [3][Commissioner] may by notification authorize the adoption by any Municipality specified in such notification not being a City Municipality, of the procedure prescribed by this section for the disposal of any business, whenever the president of such Municipality may deem it unnecessary to convene a general meeting for the purpose of such business.

Procedure by circular when applicable to other municipal business.

36. (*1*) Every committee shall conform to any instructions that may from time to time be given to them by the Municipality; the Municipality may, at any time, call for any extract from any proceedings of any committee, and for any return statement or account or report concerning or connected with any matter with which any committee has been authorized or directed to deal, and every such requisition shall, without unreasonable delay, be complied with by the committee so called upon.

Subordination of committees to instructions of Municipality and compliance with requisitions of Municipality.

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[1] This proviso was added by s. 11 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[2] The words "servant of the Crown" were substituted for the words "Government officer" by the Adaptation of Indian Laws Order in Council.

[3] This word was substituted for the words "Governor in Council" by Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

Order subject to revision and appeal.

(2) Every order passed by a managing committee or by a committee appointed under section 28 or 29, other than orders under sub-section (3) of section 65, shall be subject to such revision, and open to such appeal as may be required or allowed in respect thereof by any rules of the Municipality for the time being in force under section 46.

(3) *Delegations of powers to individuals.*

Powers, duties and functions may be delegated to officers whose expenses may be paid.

37. Any powers or duties or executive functions which may be exercised or performed by or on behalf of the Municipality may be delegated in accordance with rules to be made by the Municipality in this behalf, to the president or to the vice-president, or to the chairman of the managing, school or other committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may have been conferred on a chief officer in a City Municipality under Chapter XIII or on any committee by or under section 27, [1][27A], 28 or 29; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein:

[2][Provided that in a municipal district for which there is a Municipal Commissioner the powers or duties or executive functions under this Act or under any rule or bylaw made hereunder conferred or imposed upon or vested in the Municipal Commissioner shall not be delegated save as provided in section 186-M.]

(4) *Validity of proceedings.*

Acts and proceedings of Municipality and committees not vitiated by disqualifications, etc., of members thereof.

38. (1) No disqualification of, or defect in the election or appointment of, any person acting as councillor, or as the president or presiding authority of a general meeting or as chairman of a committee appointed under this Act, shall be deemed to vitiate any act or proceeding of the Municipality or of any such committee, as the case may be, in which such person has taken part, whenever the majority of persons, parties to such act or proceeding, were entitled to act.

Proceedings of meetings to be good and valid, until the contrary is proved.

(2) Until the contrary is proved, every meeting of the Municipality, or of a committee appointed under this Act, in respect of the proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are the proceedings of a committee, such committee shall be deemed to have been duly constituted and to have had the power to deal with the matters referred to in the minute.

Vacancy not to affect Municipality's proceedings.

(3) During any vacancy in a Municipality or committee the continuing councillors or members may act as if no vacancy had occurred.

(5) *Joint transactions with other bodies.*

Joint committees of two or more Municipalities or other local bodies.

39. A Municipality may from time to time—

(a) join with any other Municipality or with any local board, cantonment authority, sanitary board, sanitary committee or committee appointed for an area notified under Chapter XIV, or with more than one such Municipality, board, authority or committee—

(i) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of such committee; and

[1] The figures and letter "27A" were inserted by Bom. 4 of 1930, s. 2 (v).

[2] This proviso was added by s. 12 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

(*ii*) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work, and any power which might be exercised by either or any of such bodies; and

(*iii*) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed; and

(*b*) enter, subject to the sanction of the [1][Provincial Government], into an agreement with a Municipality, cantonment authority, [2][local board] or committee appointed for an area notified as aforesaid [3][or with a combination of any such bodies], regarding the levy of octroi duty whereby the octroi duties respectively leviable by the bodies so contracting may be levied together instead of separately within the limits of the area [4]* * * * * subject to the control of the said bodies.

Agreement for joint levy of octroi.

[5][*Explanation*.—For the purpose of this clause, octroi duty includes a terminal tax.]

[6][Where a municipality has requested the concurrence of any other local authority under the provisions of the preceding paragraph in respect of any matter and such other local authority has refused to concur, the Commissioner may pass such orders as he may deem fit, requiring the concurrence of such other local authority, not being a cantonment authority, in the matter aforesaid; and such other local authority shall comply with such orders.]

If any difference of opinion arises between local bodies acting under this section, the decision thereupon of the [1][Provincial Government], or of such officer as [7][it] appoints in this behalf, shall be final:

[8][Provided that where one of the local bodies concerned is a cantonment authority, any such decision shall be subject to the concurrence of the Central Government.]

(*6*) *Contracts.*

40. (*1*) Every Municipality shall be competent, subject to the [9][restriction] contained in sub-section (*2*), to lease, sell or otherwise transfer any moveable or immovable property which may, for the purposes of this Act, have become vested in or been acquired by them, and so far as is not inconsistent with the provisions and purposes of this Act, to enter into and perform all such contracts as they may consider necessary or expedient in order to carry into effect the said provisions and purposes.

Competency of Municipality to lease, sell and contract;

(*2*) In the case [10][of every lease or sale of land under sub-section (*1*) of section 90 and] of every lease of immovable property for a term exceeding seven years, and of every sale or other transfer, of any such property the previous sanction of the Commissioner is required.

subject in certain cases to sanction of Commissioner

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "local board" were inserted by Bom. 14 of 1934, s. 2 (*1*) (*i*) (*a*).

[3] These words were inserted, *ibid.*, s. 2 (*1*) (*i*) (*b*).

[4] The words "comprising the districts" were deleted, *ibid.*, s. 2 (*1*) (*i*) (*c*).

[5] This Explanation was inserted by s. 2 of the Bombay District Municipal Amendment Act, 1920 (Bom. 3 of 1920).

[6] This paragraph was inserted by Bom. 14 of 1934, s. 2 (*1*) (*ii*).

[7] The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

[8] This proviso was inserted, *ibid.*

[9] This word was substituted for the word "restrictions" by s. 2 of the Bombay District Municipal Act, 1901 (Amendment) Act, 1902 (Bom. 3 of 1902).

[10] These words, figures and brackets were inserted by Bom. 26 of 1930, s. 4.

Sanction by resolution at general meeting requisite to validity of certain contracts.

(*3*) In the case—

(*a*) of a lease for a period exceeding one year, or of a sale or other transfer, or contract for the purchase of any immovable property,

(*b*) of every contract which will involve expenditure, not covered by a budget grant,

(*c*) of every contract the performance of which cannot be completed within the official year current at the date of the contract,

the sanction of the Municipality by a resolution passed at a general meeting is required.

Sanction of Municipality when requisite in other cases.

(*4*) In the case of a contract for the purchase of moveable property, or for the sale of any moveable property belonging to a Municipality, if the expenditure which the purchase would involve, or the value of the property to be sold as estimated in the municipal accounts, exceeds

(*a*) in the case of a City Municipality, Rs. 500,

(*b*) in the case of any other Municipality, Rs. 250,

the sanction of the Municipality is required.

Sanction by committees and individuals empowered.

(*5*) In the case of every contract not otherwise provided for in the preceding sub-sections of this section the sanction of the managing committee, or of such other committee, or of such individual as under the provisions of this Act or of the rules for the time being in force thereunder, is empowered on this behalf, is required.

Mode of executing contracts.

(*6*) Every contract entered into, by or on behalf of a Municipality other than a contract to which sub-section (*5*) applies, shall be in writing, and shall be signed by the president or vice-president and two other councillors, and shall be sealed with the common seal of the Municipality. Every contract to which sub-section (*5*) applies shall be executed by the chairman of the managing committee, or by the chairman of such other committee, or by such other individual, as is empowered in that behalf in such manner and form as, according to the law for the time being in force, would bind such chairman or individual if such contract were executed by him on his own behalf.

Invalidity of contracts unless requirements of this section are fulfilled.

(*7*) No contract shall be binding on a Municipality in any case referred to in this section, unless all such requirements as are specified in sub-section (*2*), (*3*), (*4*) or (*5*) in respect of such case are fulfilled, and unless it is executed in accordance with the provisions of sub-section (*6*) applicable thereto.

This section to be subject to the provisions of Chapter XIIIA.

[1][(*8*) The provisions of this section shall be subject to the provisions of Chapter XIIIA.]

(*7*) *Compulsory acquisition of land.*

Recourse to the Land Acquisition Act, 1894.

41. When there is any hindrance to the permanent or temporary acquisition, upon payment, of any land or building required for the purposes of this Act, the

[1] Sub-section 8 was added by s. 13 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

I of 1894.

[1][Provincial Government] may, after obtaining possession of the same for [2][the Provincial Government] under [3]Land Acquisition Act, 1894, or other existing law, vest such land or building in the Municipality on their paying the compensation awarded, and on their repaying to [2][the Provincial Government] all costs incurred by [2][the Provincial Government] on account of the acquisition.

(8) Liabilities of councillors, officers and servants.

Councillors to be held responsible for misapplied funds.

42. Every councillor shall be personally liable for the misapplication of any fund to which he shall have been a party, or which shall have happened through or been facilitated by, gross neglect of his duty as a councillor, and may be sued for recovery of the moneys so misapplied as if such moneys had been the property [4][of the Crown];

Municipal funds ordinarily liable for all costs and expenses incurred.

Provided that no councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred, by, or on behalf of, the Municipality; the funds at the disposal of each Municipality shall be liable for, and be charged with, all costs in respect of any such contract or agreement and all such expenses.

Officer or servant of any Municipality not to be interested in any contract with such Municipality.

43. (*1*) Any person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with, by or on behalf of a Municipality, or in any employment with, under, by or on behalf of a Municipality, other than as a municipal officer or servant, shall be disqualified for being an officer or servant of such Municipality.

Effect of acquiring such interest.

(*2*) Any municipal officer or servant who shall acquire, directly or indirectly, by himself or his partner, any share or interest in any such contract or employment as aforesaid, shall cease to be a municipal officer or servant and his office shall become vacant.

Saving clause.

(*3*) Nothing in this section shall apply to any such share or interest in any contract or employment with, under, by or on behalf of a Municipality as under clauses (*ii*) and (*iv*) of the proviso to sub-section (*1*) of section 15 it is permissible for a person to have without his being thereby disqualified for being a councillor.

Penalty for councillor, officer or servant of a Municipality being interested in any contract, etc., with that Municipality.

44. (*a*) Any councillor, who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, under, by or on behalf of a Municipality of which he is a member, not being a share or interest such as, under section 15, it is permissible for a person to have, without being thereby disqualified for being a councillor, and

(*b*) any municipal officer or servant who knowingly acquires, directly or indirectly, any share or interest in any contract, or, except in so far as concerns his own employment as municipal officer or servant, in any employment with, under, by or on behalf of a Municipality of which he is an officer or servant not being a share or interest such as, under clauses (*ii*) and (*iv*) of the proviso to

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] Central Acts.

[4] The words "of the Crown" were substituted for the words "of Government" by the Adaptation of Indian Laws Order in Council,

sub-section (*1*) of section 15, it is permissible for a person to have without being thereby disqualified for being a councillor,

shall be liable, on conviction before a Criminal Court, to a fine which may extend to five hundred rupees.

Councillors, etc., to be deemed public servants.

[1]**45.** (*1*) Every municipal commissioner, councillor, officer or servant, and every lessee of the levy of any municipal tax, and every servant or other person employed by any such lessee for the levy of any municipal tax shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

(*2*) The word "Government" in the definition of "legal remuneration", in section 161 of that Code shall, for the purposes of sub-section (*1*) of this section, be deemed to include a municipality.

CHAPTER IV.

RULES AND BY-LAWS.

Municipalities to make rules;

46. Every Municipality shall, as soon as conveniently may be after the constitution thereof, [2][and subject to the provisions of Chapter XIIIA,] make and may from time to time alter or rescind rules, but not so as to render them inconsistent with this Act,

regulating the conduct of business;

(*a*) regulating the conduct of their business and the delegation of any of their powers or duties and, subject to the provisions of [3][sections 27 and 27-A], the appointment and constitution of committees;

[4](*aa*) prescribing the limitations and restrictions subject to which the Pilgrim Committee shall exercise the powers and perform the duties of the municipality in respect of the pilgrim fund;

(*b*) determining

fixing the functions of the president and the establishment;

(*i*) the executive functions to be performed by the president, vice-president, the chairman of any committee, and, subject to the provisions of Chapter XIII, in City Municipalities by the chief officer, [5][and, subject to the provisions of Chapter XIIIA, by the Municipal Commissioner] and the delegation of any of their powers or duties to such persons;

(*ii*) the staff of officers and servants to be employed by the Municipality and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 37;

for general guidance of municipal servants;

(*c*) generally for the guidance of their officers and servants in all matters relating to the municipal administration;

fixing the amount of the security to be furnished;

(*d*) fixing the amount and nature of the security to be furnished by any officer or servant from whom it may be deemed expedient to require security;

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[1] Section 45 was substituted for the original section by Bom. 26 of 1930, s. 5.

[2] These words, figures and letter were inserted by s. 14 (*1*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[3] The words, figures and letter "sections 27 and 27-A" were substituted for the word and figures "section 27" by Bom. 4 of 1930, s. 2 (*vi*) (*1*).

[4] Clause (*aa*) was inserted, *ibid.*, s. 2(*vi*) (*2*).

[5] These words, figures and letter were inserted by s. 14 (*2*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

(*e*) subject to the provisions of section 184, determining the mode and conditions of appointing, punishing, or dismissing any [1]* officer or servant, and delegating to officers designated in the rules the power to appoint, fine, reduce, suspend or dismiss any [1]* officer or servant; determining mode of appointing etc., municipal servants; delegating power to appoint, etc.,

(*f*) regulating the grant of leave to officers or servants, and fixing the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave; granting leave to municipal servants.

(*g*) regulating the period of service of all officers and servants, and determining the conditions under which such officers and servants, or any of them, shall receive pensions, gratuities or compassionate allowances on retirement, or on their becoming disabled through the execution of their duty, and the amount of such pensions, gratuities or compassionate allowances and prescribing the conditions under which any gratuities or compassionate allowances may be paid to the surviving relatives of any such officers or servants whose death has been caused through the execution of their duty; fixing pensions, etc.;

(*h*) authorizing the payment of contributions, at such rates and subject to such conditions as may be prescribed in such rules to any pension or provident fund which may be established by the Municipality or with the approval of the Municipality, by the said officers and servants, contributing to provident fund;

(*i*) prescribing, subject to the provisions of Chapter VII, the taxes to be levied in the municipal district for municipal purposes, the grounds on which exemptions are to be recognized, the conditions on which and the extent to which remissions may be granted, and the system on which refunds are to be allowed and paid, in respect of such taxes, and the limits of the charges or payments to be fixed in lieu of any tax under section 71, and the fees to be charged for licences or permissions granted under section 70, and the times at which and the mode in which the same shall be levied or recovered or shall be payable, and prescribing the fees for notices demanding payments due on account of any tax, and for the [2][issue and] execution of warrants of distress, and the rates to be charged for maintaining any livestock distrained, and designating the persons authorized to receive payment of any sums so leviable; prescribing the taxes, etc., to be levied for municipal purposes;

(*j*) prescribing the conditions subject to which sums due on account of any tax or of costs in recovering any tax may be written off as irrecoverable, and the conditions subject to which the whole or any part of any fee chargeable for distress may be remitted by the managing committee: for writing off amounts due and remitting fees.

Provided that—

(*a*) no rule made, or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved, in the case of City Municipalities, by the [3][Provincial Government], or in other cases by the Commissioner; [4][Provided that, in the case of City Municipalities, the approval may be given by Approval required to rules.

[1] The word "such" was repealed by s. 2 of the Bombay District Municipal (Amendment), Act 1904 (Bom. 4 of 1904).

[2] The words "issue and" were inserted by Bom. 12 of 1931, s. 2 (*v*) (*a*).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] These words, figures and letter were added by Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

the Commissioner, instead of by [1][the Provincial Government], in respect of rules framed under clause (*b*) (*ii*), subject to the condition that any such rules relating to Chief Officers, Health Officers or Engineers, or to the salaries, fees or absentee or other allowances of such officers, shall require the sanction of [1][the Provincial Government].]

Proviso as to officers transferred from or to the service of the Crown.

(*b*) if an officer serving or having served under a Municipality has been or is transferred from or to the service of the [2][Crown], or is partly employed by the [2][Crown] and partly by a Municipality, the Municipality shall [3][make such contributions to his pension and leave allowances as may be required, by the conditions of his service under the Crown, to be made by him or on his behalf.]

Notice required in certain cases of dismissal.

(*c*) the Municipality shall not, unless with the assent of [4][the Government, concerned], dispense with the services of any such officer transferred from the the service of [5][the Crown] to the service of the Municipality or employed partly by [5][the Crown] and partly by the Municipality, or finally dismiss from the service of the Municipality any officer transferred from the service of the Municipality to the service of [5][the Crown], without giving [4][the Government concerned] six months' previous notice.

Discretionary power to make rules.

[6][**46A.** A Municipality may at their discretion, make rules not inconsistent with this Act, determining the conditions under which gratuities or compassionate allowances may be paid to the surviving relatives of their officers and servants or any of them who die during service and the amount of such gratuities or compassionate allowances:

Provided that no rule made or alteration or rescission of a rule made under this section shall have effect unless and until it has been approved, in the case of City Municipalities by the [7][Provincial Government], or in other cases by the Commissioner.]

Power to suspend, reduce or abolish any existing tax.

47. Subject to the requirements of clause (*a*) of the proviso to section 46 every Municipality may, except as otherwise provided in clause (*b*) of the proviso to section 74, at any time for any sufficient reason, suspend, reduce or abolish any existing tax by suspending, altering or rescinding any rule prescribing such tax under the provisions of clause (*i*) and of the first clause of the proviso to section 46.

Power to make by-laws;

48. (*1*) Every Municipality may from time to time with the previous sanction in the case of City Municipalities, of the [8][Provincial Government] or in other cases of the Commissioner, make, alter or rescind by-laws, but not so as to render them inconsistent with this Act,

for markets and slaughter-houses, etc., etc.;

(*a*) for the regulation and inspection of markets and slaughter-houses and all places used by or for animals which are for sale or hire, or the produce of which is sold, and for the proper and cleanly conduct of business therein; and for fixing the rents and other charges to be levied, for the use of any of them which belong to the Municipality;

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The word "Crown" was substituted for the word "Government", *ibid.*

[3] These words were substituted for the words "contribute to his pension and leave allowances to the extent required by the rules in force for the time being, made by the Governor in Council in this behalf", *ibid.*

[4] The words "the Government concerned" were substituted for the word "Government", *ibid.*

[5] The words "the Crown" were substituted for the word "Government", *ibid.*

[6] Section 46A was inserted by Bom. 20 of 1929, s. 2.

[7] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

[8] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

(*b*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of any place not belonging to the Municipality. *for licensing, regulating and inspecting certain businesses;*

(*i*) as a slaughter-house.

(*ii*) as a market or shop for the sale of animals intended for human food, or of meat, or of fish, or as a market for the sale of fruit or vegetables,

(*iii*) for any of the purposes mentioned in sub-section (*1*) of section 151, and providing for the inspection and regulation of the conduct of business in any place used as aforesaid, so as to secure cleanliness therein or to minimise any injurious, offensive or dangerous effect arising or likely to arise therefrom;

[1](*bb*) prescribing the conditions on or subject to which, and the circumstances in which, and the areas or localities in respect of which, licences may be granted, refused, suspended or withdrawn for the use of whistles and trumpets operated by steam or mechanical means in factories or other places for the purpose of summoning or dismissing workmen or persons employed;] *for licensing the use of steam whistles, etc.;*

(*c*) prohibiting the stalling or herding of horses, camels, cattle, donkeys, sheep or goats, otherwise than in accordance with such regulations prescribed in such by-laws in regard to the number thereof, and the places to be used for the purpose, as may be necessary to prevent danger to the public health; *regulating the stalling of cattle, etc.;*

(*d*) (*i*) for the inspection of milch-cattle; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy-men or milk-sellers; *for regulating dairies and cattle-sheds;*

(*ii*) for securing the cleanliness of milk-stores, milk-shops and vessels used by milk-sellers or buttermen for milk or butter; *milk-stores, etc.;*

[2](*e*) for the inspection of weights and measures under section 143;] *for inspection of weights and measures;*

[3][(*ee*) for defining the standard weights and measures used within the municipal district;] *for defining standard weights and measures;*

(*f*) for the registration of births, deaths and marriages, [4]* * * * * * within the municipal district and for enforcing the supply of such information as may be necessary to make such registration [5]* * * effective; *for registration of births, etc.;*

(*g*) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the community or section of the community entitled to the use of such places for the disposal of the dead; *regulating the disposal of the dead;*

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[1] This clause was inserted by s. 15 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[2] Clauses (*e*) and (*ee*) shall be deemed to be repealed in those areas to only where Part VI of the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932), has been brought into force, *vide* s. 47 and Second Sch., Part II, of the said Act)

[3] This clause was inserted by s. 3 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. 4 of 1904).

[4] The words "and the taking of a census" were omitted by the Adaptation of Indian Laws Order in Coucil.

[5] The words "or census" were omitted, *ibid.*

for enforcing supply of information as to epidemics;

(*h*) for enforcing the supply of information as to any cases of dangerous disease, and carrying out the provisions of sections 144 and 145;

for enforcing information as to liability to municipal taxation;

(*i*) for enforcing the supply of such information by inhabitants of the municipal district as may be necessary to ascertain their respective liabilities to any tax imposed therein;

octroi by-laws;

(*j*) fixing octroi limits and stations; providing for the exhibition of tables of octroi; regulating, subject to any general or special orders which the [1][Provincial Government] may make in this behalf, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the municipal district; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained, and the minimum amount for which any claim to refund may be made;

for protecting water;

(*k*) for conserving and preventing injury to sources and means of water-supply and appliances for the distribution of water, whether within or without the limits of the municipal district; and regulating all matters and things connected with the supply and use of water and the turning on or turning off and preventing the waste of water, and the construction, maintenance and control of municipal water-works, and of pipes and fittings in connection therewith, whether the property of the Municipality or not;

regulating public baths, etc.,

(*l*) regulating the use of public bathing and washing places within municipal limits;

for conservancy.

(*m*) regulating sanitation and conservancy and the disposal of carcasses of dead animals;

regulating structures and buildings;

(*n*) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structures on, public streets or for projections over public streets and regulating the structure and dimensions of plinths, walls, foundations, roofs and chimneys of new buildings for the purpose of securing stability and the prevention of fires, and for purposes of health;

for providing for streets;

(*o*) for preventing the erection of buildings without adequate provision being made for the laying out and location of streets;

[1] The words "Provincial Government" were substituted for the words "Governor General in Council" by the Adaptation of Indian Laws Order in Council.

(*p*) for ensuring the adequate ventilation of buildings by the provision and maintenance of sufficient open space either internal or external and of doors and windows and other means for securing a free circulation of air; for ensuring ventilation;

(*q*) in a City Municipality, prescribing the qualifications of surveyors or persons by whom plans required under section 96 are to be prepared, or of plumbers; for licensing persons to be surveyors or plumbers, and fixing the fees chargeable for such licences; and for modifying the provisions of, or revoking such licences; and prohibiting any alterations or repairs or fittings to water or drainage-pipes or house-connections being carried out or made, except by such persons; requiring qualified surveyors in City Municipalities;

(*r*) regulating, in any other particular not specifically provided for in this Act, the construction, maintenance and control of drains, sewers, ventilation shafts, receptacles for dung and manure, cesspools, water closets, privies, latrines, urinals, and drainage or sewerage works of every description whether the property of the Municipality or not; control of drains;

(*s*) determining the information and plans to be required by the Municipality under sections 91 and 96; requiring information and plans in certain cases;

(*t*) prohibiting the transit of any vehicles of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury to the roadway, or to any construction thereon, or risk or obstruction to other vehicles or to pedestrians along or over any street, except under such conditions as to time, mode of traction of locomotion, use of appliances for protection of the roadway, number of lights and assistants, and other general precautions as may be prescribed, either generally in such by-laws, or in special licences to be granted in each case upon such terms as to time of application and payment of fees therefor as may be prescribed in such by-laws: for controlling unwieldy traffic, and

Provided that no such by-law relating only to any particular street or portion of a street shall be deemed to be in force, unless and until notices of such prohibition shall have been posted up by the Municipality in conspicuous places at or near both ends of such street or portion of a street;

(*u*) generally for the regulation of all matters relating to municipal administration. regulating municipal administration.

And every Municipality may, with the like sanction, prescribe a fine not exceeding five hundred rupees for the infringement of any such by-law. Fine may be imposed for infringement of by-laws.

[1][(*1a*) Every Municipality may, from time to time, with the previous sanction, in the case of city municipalities, of the Central Government, and in other cases, of the Commissioner, make, alter or rescind by-laws, but not so as to render them inconsistent with this Act, for the taking of a census within the municipal district and for enforcing the supply of such information as may be necessary to make the census effective.]

(*2*) Every Municipality shall, before making any by-law under this section, publish in such manner as shall in their opinion be sufficient, for the information of the persons likely to be affected thereby, a draft of the proposed by-law, together with a notice specifying a date on or after which the draft will be taken into consideration, Publication of drafts of proposed by-laws.

[1] Sub-section (*1a*) was inserted by the Adaptation of Indian Laws Order in Council.

and shall, before making the by-law receive and consider any objection or suggestion with respect to the draft which may be made in writing by any person before the date so specified.

Objections and suggestions to be submitted to Central Government, Provincial Government or Commissioner as the case may be.

(3) When any by-law made by a Municipality is submitted to the [1][Central Government], [2][Provincial Government] or Commissioner for sanction, a copy of the notice published as aforesaid, and of every objection or suggstion so made, shall be submitted for the information of the [1][Central Government], [2][Provincial Government] or Commissioner along with the said by-law.

Rules and by-laws to be printed and sold.

49. The rules and by-laws for the time being in force shall be kept open for public inspection at the municipal office at all reasonable times, and printed copies thereof and of this Act in the vernacular language of the district, and in City Municipalities in English as well as in the vernacular, shall be kept on sale at cost price.

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

Power to acquire and hold property.

50. (1) Every Municipality may acquire and hold property both moveable and immovable, whether within or without the limits of the municipal district.

Property vested in the Municipality.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the [2][Provincial Government] shall be vested in and belong to the Municipality, and shall, together with all other property, of what nature or kind soever, not being specially reserved by the [2][Provincial Government], which may become vested in the Municipality, be under their direction, management and control, and shall be held and applied by them as trustees, subject to the provisions and for the purposes of this Act; that is to say—

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, and public buildings of every description;

(b) all public streams, tanks, reservoirs, cisterns, wells, springs aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any streets, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter, or filth, or rubbish of any kind collected by the Municipality from the streets, houses, privies, sewers, cesspools or elsewhere;

(d) all public lamps, lamp-posts, and apparatus connected therewith, or appertaining thereto;

(e) all lands transferred to them by the [3][Crown], or by gift or otherwise, for local public purposes;

[1] The words "Central Government" were inserted by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[3] The word "Crown" was substituted for the words "Secretary of State for India in Council", *ibid.*

(*f*) all public streets, and the pavements, stones and other materials thereof and also all trees, erections, materials, implements and things provided for such streets.

[1][50A. (*1*) In any municipal district to which a survey of lands other than lands ordinarily used for the purposes of agriculture only has been or shall be extended under any law for the time being in force, where any property or any right in or over any property is claimed by or on behalf of the Municipality, or by any person as against the Municipality, it shall be lawful for the Collector after formal inquiry, of which due notice has been given, to pass an order deciding the claim. Decision of claims to property by or against the Municipality.

(*2*) Any suit instituted in any Civil Court after the expiration of one year from the date of any order passed by the Collector under sub-section (*1*), or, if one or more appeals have been made againt such order within the period of limitation, then from the date of any order passed by the final appellate authority, as determined according to section 204 of the Bombay Land Revenue Code, 1879, [2]shall be dismissed (although limitation has not been set up as a defence) if the suit is brought to set aside such order or if the relief claimed is inconsistent with such order, provided that the plaintiff has had due notice of such order. Bom. V of 1879.

(*3*) (*a*) The powers conferred by this section on a Collector may also be exercised by an Assistant or Deputy Collector or by a Survey Officer as defined in the [2] Bombay Land Revenue Code, 1879. Bom. V of 1879.

(*b*) The formal inquiry referred to in this section shall be conducted in accordance with the provisions of the aforesaid Code.

(*c*) Any person shall be deemed to have had due notice of an inquiry or order under this section if notice thereof has been given in accordance with rules made in this behalf by the [3][Provincial Government].

51. All moneys received by or on behalf of the Municipality by virtue of this or any other Act; all taxes, tolls and other imposts, fines, fees, penalties paid to or levied by them under this Act [4][other than fines imposed by a Court; all proceeds of land or other property sold by the Municipality, and all rents accruing from their land or property; as also all interests, profits and other moneys accruing by gifts or transfers from the [5][Crown] or private individuals or otherwise, shall constitute the municipal fund, and shall be held and dealt with in a similar manner to the property mentioned in [6][section 50]: Municipal Fund.

Provided that—

(*a*) nothing in this section, or in [6][section 50], shall in any way affect any obligations accepted by or imposed upon any Municipality by any declarations of trust executed by or on behalf of such Municipality, or by any scheme settled under the [7]Charitable Endowments Act, 1890, for the administration of any trust; Provision as to special trusts. VI of 1890.

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[1] Section 50A was inserted by section 1 of the Bombay District Municipal Amendment Act, 1912 (Bom. 10 of 1912).

[2] *Supra.*

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "other than fines imposed by a court" were inserted, *ibid.*

[5] The word "Crown" was substituted for the words "Secretary of State for India for in Council", *ibid.*

[6] This word and these figures were substitutd for the words "the last preceding section" by s. 2 of the Bombay District Municipal Amendment Act, 1912 (Bom. 10 of 1912).

[7] Central Acts.

When special trusts may be created.

(*b*) a Municipality may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on them by section 54, 55 or by or under section 61, or 72 or Chapter XII, credit to a separate heading in the municipal accounts any portion of the municipal fund received by them specially for, or devoted by them to, the purposes of schools or dispensaries or of water-works or fire-brigades, or other such purposes as the Commissioner in this behalf approves, and, provided that there shall be credited to such special heading such sums only as expressly relate to the object for which the fund designated by such heading was created, the Municipality may apply the sums so credited exclusively to the respective objects to which they are so credited.

[1](*c*) (*1*) Every Municipality in a municipal district in which a tax on pilgrims resorting periodically to a shrine within the limits of the municipal district is levied shall, subject to the condition that reasonable provision shall be made for the purposes specified in clause (*2*), credit the proceeds of the said tax to a separate heading in the municipal account, to be called the 'Pilgrim Fund Account'.

(*2*) The purposes for which provision shall be made by a municipality before the proceeds of the pilgrim tax are credited to the Pilgrim Fund Account shall be the following, namely, the payment to the municipality of such percentage of the proceeds of the said tax as may be determined from time to time by the municipality with the approval of the Commissioner for—

(*i*) making reasonable provision for the performance of all obligations imposed or which may be imposed on it by or under section 61 or 72 or Chapter XII;

(*ii*) such general duties of the Municipality as are connected with the health, convenience and safety of the said pilgrims; and

(*iii*) the cost of collection of the said tax.

(*3*) The sums credited under clause (*1*) shall be devoted to such works conducive to the health, convenience and safety of the said pilgrims as may be approved by the Commissioner.

Municipal property and funds how to be applied.

52. All property vested in the Municipality under this Act, and all funds received by them in accordance with the provisions of this Act, and all sums accruing to them under the provisions of any law for the time being in force, shall be applied, subject to the provisions and for the purposes of this Act, within the limits of the municipal district:

Provided always that it shall be lawful for the Municipality, with the sanction of the [2][Provincial Government] or any officer duly authorized by [3][it] in this behalf,—

(*a*) to incur expenditure beyond the said limits,—

(*i*) in the acquisition of land, or

(*ii*) in the construction, maintenance or repair of works,

for the purpose of obtaining a supply of water required for the inhabitants of the municipal district, or of establishing slaughter-houses or places for the disposal of night-soil or sewage or carcasses of animals beyond the said limits, or for drainage-works, or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the said district; or

[1] This clause was inserted by Bom. 4 of 1930, s. 2 (*iii*).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The word "it" was substituted for the word "him", *ibid.*

(*b*) to make a contribution towards expenditure incurred by any other Municipality, or in any area subject to the authority of a local board or cantonment authority, or Sanitary Board or Committee, or of a Committee appointed under section 188 for an area notified under section 187, or incurred out of any public funds for measures affecting the health, instruction or convenience of the public and calculated to benefit the residents within the limits of the contributing Municipality ; or

(*c*) to create scholarships tenable outside the limits of the municipal district :

Provided further that nothing in this section, or in any other provision of this Act, shall be deemed to make it unlawful for a Municipality when with such sanction as aforesaid they have constructed works beyond the limits of the said district for the supply of water or for drainage as aforesaid,—

(*a*) to supply or extend to, or for the benefit of, any person or buildings or lands in any place [1]* * * *, whether such place is or is not within the limits of the said district, any quantity of water not required for the purposes of this Act within the said district, or the advantages afforded by the system of such drainage-works, on such terms and conditions, with regard to payment and to the continuance of such supply or advantages, as shall be settled by agreement between the Municipality and such person or the occupier or owner of such buildings or lands, or

(*b*) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or alteration of any connection pipes, or other works necessary for the purpose of such supply or for the extension of such advantages.

Power to deposit and invest surplus funds.

53. (*1*) It shall be lawful for the Municipality to deposit [2]* * * with the [3][Imperial Bank of India], or such other bank as may hereafter be appointed to conduct the business of His Majesty's Treasury at Bombay, or with the sanction of the [4][Provincial Government] in any bank in the Presidency of Bombay, any surplus funds in their hands which may not be required for current charges, and to invest such funds in public securities in the name of the Municipality, and from time to time to dispose of such securities as may be necessary.

Surplus not so deposited or invested how to be dealt with.

(*2*) All surplus funds over and above what may be required for current expenses shall, unless deposited or invested as provided for in sub-section (*1*), be deposited in the [5][Provincial Government] Treasury or such other place of security as may be sanctioned in the rules of the said Municipality.

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[1] The words "throughout the line of country in which such works are situate, or contiguous to such line of country" were repealed by s. 1 of the Bombay District Municipal Amendment Act, 1903 (Bom. 3 of 1903).

[2] The words "at interest" were deleted by Bom. 23 of 1931, s. 2 (*i*) (*a*).

[3] The words "Imperial Bank of India" were substituted for the words "Bank of Bombay", *ibid.*, s. 2 (*i*) (*b*).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] The words "Provincial Government" were substituted for the words "local Government", *ibid.*

CHAPTER VI.

Obligatory and Discretional Functions of Municipalities.

Duties of Municipalities.

54. It shall be the duty of every Municipality to make reasonable provision—

(*1*) for the following matters within the municipal district under their authority, namely :—

(*a*) lighting public streets, places and buildings ;

(*b*) watering public streets and places ;

(*c*) cleansing public streets, places and sewers, and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipality or not ; removing noxious vegetation ; and abating all public nuisances ;

(*d*) extinguishing fires, and protecting life and property when fires occur ;

(*e*) regulating or abating offensive or dangerous trades or practices ;

(*f*) removing obstructions and projections in public streets or places, and in spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Municipality or belong to His Majesty ;

(*g*) securing or removing dangerous buildings or places, and reclaiming unhealthy localities ;

(*h*) acquiring and maintaining, changing and regulating places for the disposal of the dead ;

(*i*) constructing, altering and maintaining public streets, culverts, municipal boundary-marks, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage-works, sewerage works, baths, washing places, drinking fountains, tanks, wells, dams and the like ;

(*j*) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply when such supply or additional supply can be obtained at a reasonable cost ;

(*k*) naming streets and numbering houses,

(*l*) registering births and deaths ;

(*m*) public vaccination ;

(*n*) suitable accommodation for any calves, cows or buffaloes required within the municipal district for the supply of animal lymph ;

(*o*) establishing and maintaining public hospitals and dispensaries and providing public medical relief ;

(*p*) establishing and maintaining primary schools ;

(*q*) printing such annual reports on the municipal administration of the district as the [1][Provincial Government] by general or special orders requires the Municipality to submit ;

(*r*) paying the salary and the contingent expenditure on account of such police or guards as may be required by the Municipality for the purposes of this Act or for the protection of any municipal property [2]* * *.

and subject to such reasonable provision as aforesaid,

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words and figures "and providing such accommodation as may be required by Government under section 77 of the Bombay District Police Act, 1890" were repealed by s. 3 and Sch. II, Pt. II, of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

(2) for the following special matters, namely :—

(a) providing special medical aid and accommodation for the sick in time of dangerous disease; and taking such measures as may be required to prevent the outbreak of, or to suppress and prevent the recurrence of the disease;

(b) giving relief and establishing and maintaining relief works in time of famine or scarcity to or for destitute persons within the limits of the municipal district.

Provision for lunatics and lepers.

55. Every Municipality shall also, out of the municipal property and fund, make payments at such rates as the [1][Provincial Government] from time to time by general or special orders, prescribes, for the maintenance and treatment either in the municipal district or at any asylum, hospital or house, whether within or without such district, which the [1][Provincial Government] declares by notification to be suitable for such purpose,

V of 1898.

(a) of lunatics, not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, and

(b) of [2]lepers,

[3]* * * under any enactment for the time being in force removed from, such district:

IV of 1912.

[4][Provided that where an application is made to the High Court or a District Court under the provisions of section 88 of the Indian Lunacy Act, 1912, no order for the payment of the cost of maintenance of the lunatic by a Municipality shall be made without an opportunity being given to such Municipality to show that the lunatic has an estate applicable to his maintenance or that there is a person legally bound, and having the means, to maintain him:

Provided further that the Municipality shall not be liable under this section for the maintenance and treatment of any lunatic or leper in any such asylum, hospital or house as aforesaid, unless such lunatic or leper, immediately previous to his admission thereto, has been resident in the municipal district for at least one year.

The officer in charge of an asylum to which lunatics or lepers for whose maintenance and treatment a Municipality is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such person detained in the asylum and shall furnish a copy thereof to the Municipality.]

Discretionary powers of expenditure of Municipalities.

56. Municipalities may, at their discretion, provide out of the said property and fund, either wholly or partly, for—

(a) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets;

(b) constructing, establishing or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharamshalas, rest-houses and other public buildings;

(c) furthering educational objects other than those set forth in sub-clause (p) of [5][section 54];

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] For the law in force in British India generally dealing with the control of lepers, *see* the Lepers Act, 1898 (3 of 1898), Central Acts.

[3] The words "habitually resident within, or" were deleted by Bom. 15 of 1936, s. 3 (*1*).

[4] These provisoes were substituted for the original proviso, *ibid.*, s. 3 (*2*).

[5] This word and these figures were substituted for the word and figures "clause 54" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

(*d*) planting and maintaining roadside and other trees;

(*e*) taking a census, and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*f*) making a survey;

(*g*) the salaries and allowances, rent and other charges incidental to the maintenance of the Court of any stipendiary or Honorary Magistrate, or any portion of any such charges;

(*h*) arrangements for the destruction or the detention and preservation of such dogs within the municipal district as may be dealt with under section 49 of the Bombay District Police Act, 1890 [1] [or, as the case may be, section 29 of the City of Bombay Police Act, 1902;] Bom. IV of 1890. Bom. IV of 1902.

(*i*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in sub-section (*i*) of secton 151;

(*j*) supplying, constructing and maintaining, in accordance with a general system approved by the Sanitary Board, receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the Municipality;

(*k*) establishing and maintaining a farm or factory for the disposal of sewage;

[2][(*kk*) the construction, purchase, organisation, maintenance, extension and management of mechanically propelled transport facilities for the conveyance of the public;]

(*l*) any other measure not specified in section 54 likely to promote the public safety, health, convenience or education; and

(*m*) with the previous concurrence [3]* * * of the Collector, any public reception, ceremony, entertainment or exhibition within the municipal district.

Arrangement purporting to be binding permanently or for a term of years.

57. When a Municipality have entered into any arrangement or made any promise, purporting to bind themselves or their successors, for a term of years or for an unlimited period, to continue to any educational or charitable institution a yearly contribution from the municipal property or fund, it shall be lawful for the Municipality or their successors, with the sanction in the case of a City Municipality of the [4][Provincial Government], and in the case of any other Municipality of the Commissioner, to cancel such arrangement or promise, or to discontinue or to diminish such yearly contribution, provided that they shall have given at least twelve months' notice of their intention so to do to the manager or managers of such institution.

Management of public institutions maintained by Municipalities to vest in them.

58. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the Municipality by which it is maintained:

Provided that the extent of the independent authority of any Municipality in respect of public education and their relations with the [5][Educational Department of the Provincial Government] shall from time to time be prescribed by the [4][Provincial Government].

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[1] This portion was added by Bom. 22 of 1945, s. 2, read with Bom. 1 of 1947, s. 3.

[2] This clause was inserted by Bom. 2 of 1947, s. 2.

[3] The words "in the case of City Municipalities, of the Commissioner, or in other cases" were repealed by Sch. 1 of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] The words "Educational Department of the Provincial Government" were substituted for the words "Government Educational Department", *ibid.*

CHAPTER VII.

MUNICIPAL TAXATION.

(1) *Imposition of Taxes.*

59. Subject to any general or special orders which the [1][Provincial Government] may make in this behalf, any Municipality— Taxes which may be imposed.

(*a*) after observing the preliminary procedure required by [2][section 60] and

(*b*) with the sanction of the [1][Provincial Government] in the case of City Municipalities, and in other cases of the Commissioner, and subject to such modifications or conditions as under section 61 the [1][Provincial Government] or the Commissioner, respectively, in according such sanction, deems fit,

may impose, for the purposes of this Act, any of the following taxes, that is to say,

(*i*) a rate on buildings or lands or both, situate within the municipal district;

(*ii*) a tax on all or any vehicles, boats, or animals used for riding, draught or burden, kept for use within the said district, [3][whether they are actually kept within or outside the said district:

Provided that where a motor vehicle is kept for use within the said district as well as another municipal district or municipal borough (as defined in the Bombay Municipal Boroughs Act, 1925), it shall be liable to be taxed only by the municipality within, or nearest to, whose limits such vehicle is actually kept.]

Bom. XVIII of 1925.

(*iii*) a toll on vehicles, [4][(other than motor vehicles or trailers save as provided in section 14 of the Bombay Motor Vehicles Tax Act, 1935)] and animals used as aforesaid, entering the said district, but not liable to taxation under the clause last preceding;

Bom. XXXIV of 1935.

(*iv*) an octroi on animals or goods, or both, brought within the octroi limits for consumption or use therein;

(*v*) a tax on dogs kept within the said district;

(*vi*) a special sanitary cess upon private latrines, premises or compounds cleansed by municipal agency, after notice given as hereinafter required;

(*vii*) a general sanitary cess for the construction or maintenance, or both construction and maintenance, of public latrines, and for the removal and disposal of refuse;

(*viii*) a water-rate or water-rates, for water supplied by the Municipality, which may be imposed in the form of a rate assessed on buildings and lands, or in any other form, including that of charges for such supply, fixed in such mode or modes as shall be best adapted to the varying circumstances of any class of [5][cases] or of any individual case;

(*ix*) a lighting tax;

(*x*) a tax on pilgrims resorting periodically to a shrine within the limits of the municipal district;

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This word and these figures were substituted for the word and figures "section 61" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

[3] This portion was added by Bom. 7 of 1946, s. 2, read with Bom. 1 of 1947, s. 4.

[4] These words, figures and brackets were inserted by Bom. 34 of 1935, s. 22, Sch. II.

[5] The word "cases" was substituted for the word "case" by Bom. 24 of 1936, s. 2, Sch.

[1](*x-A*) * * * * *

[2](*xi*) any other tax (not being a toll on motor vehicles and trailers, save as provided by section 14 of the Bombay Motor Vehicles Tax Act, 1935) : Bom. XXXIV of 1935.

Provided that—

(*a*) no tax imposed as aforesaid, other than a special sanitary cess or a water-rate, shall, without the express consent of [3][the Provincial Government], be leviable in respect of any building or part of any building, or of any vehicle, animal or other property, belonging to His Majesty and used solely for public purposes, and not used or intended to be used for purposes of profit, and no toll shall be leviable for the passage of troops or the conveyance of [4][Crown stores] or of any other [5][Crown property], or for the passage of Military or Police-officers on duty, or the passage or conveyance of any person or property in their custody ;

(*b*) no special sanitary cess shall be leviable in respect of any private latrines, premises or compounds unless and until the Municipality have—

(*i*) made provision for the cleansing thereof by manual labour, or for conducting or receiving the sewage thereof into municipal sewers, and

(*ii*) issued either severally to the persons to be charged, or generally to the inhabitants of the district or part of the district to be, charged, with such cess one month's notice of the intention of the Municipality to perform such cleansing and to levy such cess ;

(*c*) the Municipality in lieu of imposing separately any two or more of the taxes described in clauses (*i*), (*vii*), (*viii*) and (*ix*) [6]* * * may impose a consolidated tax assessed as a rate on buildings or lands, or both situate within the municipal district.

[7][(*2*) Nothing in this section shall authorise the imposition of any tax which the Provincial Legislature has no power to impose in the Province under the Government of India Act, 1935 :

Provided that a Municipality which immediately before the commencement of Part III of the said Act was lawfully levying any such tax under this section as then in force, may continue to levy that tax until provision to the contrary is made by the Central Legislature.]

Procedure of Municipality preliminary to imposing tax.

60. Every Municipality before imposing a tax shall observe the following preliminary procedure :

(*a*) They shall, by resolution passed at a general meeting,

(*i*) select for the purpose one or other of the taxes specified in section 59 ;

(*ii*) prepare rules for the purposes of clause (*i*) of section 46 prescribing the tax selected ;

and shall by such resolution and in such rules specify,—

(*iii*) the class or classes of persons or of property, or of both, which the Municipality desire to make liable, and any exemptions which they desire to make ;

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[1] Clause (*x-A*) was omitted by the Adaptation of Indian Laws Order in Council.

[2] Clause (*xi*) was substituted for the original clause, *ibid.*

[3] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[4] The words "Crown stores" were substituted for the words "Government stores", *ibid.*

[5] The words "Crown property" were substituted for the words "Government property", *ibid.*

[6] The words, figure and brackets "of sub-section (*1*)" were repealed by s. 4 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. 4 of 1904).

[7] This sub-section and proviso were inserted by the Adaptation of Indian Laws Order in Council.

(*iv*) the amount for which, or the rate at which, it is desired to make such classes liable;

(*v*) all other matters, which the [1][Provincial Government] may so require to be specified.

(*b*) When such resolution has been passed, the Municipality shall publish the form of rules so prepared with a notice in the form of Schedule A prefixed thereto.

(*c*) Any inhabitant of the municipal district objecting to the imposition of the said tax, or to the amount or rate proposed, or to the class of persons or property to be made liable thereto, or to any exemptions proposed, may within one month from the publication of the said notice send his objection in writing to the Municipality, and the Municipality shall take all such objections into consideration, or shall authorize a committee to consider the same and report thereon, and, unless they decide to abandon or to modify the proposed tax in accordance with such objections, shall submit the same with their opinion thereon, together with the notice and rules aforesaid, in the case of a City Municipality, to the [1][Provincial Government] and in the case of any other Municipality, to the Commissioner.

Power to sanction, modify and impose conditions.

61. The [1][Provincial Government], or the Commissioner, as the case may be, may either refuse to sanction the rules submitted, or may return them to the Municipality for further consideration; or if no objection, or no objection which is in [2][its or his] opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject

(*i*) to such modifications not involving an increase of the amount to be imposed, or

(*ii*) to such conditions as to the application within the municipal district to any purpose or purposes of this Act specified in such conditions, of the whole or any part of the proceeds of such tax,

as [3][it or he] deems fit.

Publication of sanctioned rules with notice.

62. All rules sanctioned under section 61 with all modifications subject to which the sanction is given, shall be published by the Municipality in the district for which they are prescribed together with a notice reciting the sanction and the date and serial number thereof, and the tax as prescribed by the rules so published shall, from a date which shall be specified in such notice and which shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the Municipality in accordance with all conditions, if any, subject to which under section 61 the sanction was given:

Provided that

(*a*) a tax, leviable by the year

(*i*) shall not come into force except on one of the following dates, *viz.*, the first day of April—the first day of July—the first day of October—the first day of January [4][in any year], and

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "its or his" were substituted for the word "his", *ibid.*

[3] The words "it or he" were substituted for the word "he", *ibid.*

[4] These words were substituted for the words "in the official year on which such notice is published" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

(*ii*) if it comes into force on any day other than the first of April, it shall be leviable by the quarter, till the first day of April then next ensuing;

(*b*) on or before the day on which a notice is issued under this section, the Municipality shall publish such further detailed rules as may be required, and as may have been approved by the [1][Provincial Government] or by the Commissioner, as the case may be, under the first clause of the proviso to section 46, prescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof, shall be payable;

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctioned, for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards unpaid arrears which may have become due during that period.

(*2*) *Assessment of and liability to rates.*

Preparation of an assessment-list.

63. (*1*) When a rate on buildings or lands or both is imposed, the Municipality shall cause an assessment-list of all buildings, or lands, or buildings and lands in the municipal district to be prepared containing

(*a*) the name of the street or division in which the property is situated;

(*b*) the designation of the property, either by name or by number, sufficient for identification;

(*c*) the names of the owner and occupier, if known;

(*d*) the annual letting value or other valuation on which the property is assessed; and

(*e*) the amount of the tax assessed thereon.

Power to inspect.

(*2*) For the purpose of making such assessment on property as aforesaid, the Municipality may from time to time appoint any person or persons, whether councillors or not, and whether remunerated or not; and any person or persons so appointed may for such purpose make an inspection of any such property:

[2][Provided that in a municipal district for which there is a Municipal Commissioner such Municipal Commissioner may make such inspection.]

Returns to be furnished.

(*3*) On the requisiton of the Municipality or of such person [3][or of the Municipal Commissioner, as the case may be,] the owner or occupier of any such building or land shall, within such reasonable period as shall be specified in the requisition, be bound to furnish a true return to the best of his knowledge or belief and subscribed with his signature—

(*a*) as to the name and place of abode of the owner or occupier or of both;

(*b*) as to the dimensions of such building or land and the annual letting value or other valuation thereof.

Publication of notice of assessment-list.

64. When the assessment-list has been completed the Municipality shall give public notice thereof, and of the place where the list or a copy thereof may be inspected: and every person claiming to be either owner or occupier of property included in the list, and any agent of such person, shall be at liberty to inspect that list and to make extracts therefrom without charge.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This proviso was added by s. 16 (*1*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[3] These words were inserted by s. 16 (*2*), *ibid.*

65. (*1*) The Municipality shall at the time of the publication of such assessment-list give public notice of a time, not less than one month thereafter, when they will proceed to revise the valuation and assessment: and in all cases in which any property is for the first time assessed or the assessment is increased, they shall also give notice thereof to the owner or occupier of the property, if known. Public notice of time fixed for revising assessment-list.

(*2*) All objections to the valuation and assessment shall be made to the Municipality, before the time fixed in the notice, by application in writing, stating the grounds on which the valuation and assessment are disputed, and all applications so made shall be registered in a book to be kept by the Municipality for the purpose. Objections how to be made.

(*3*) [1][In a municipal district for which there is a Municipal Commissioner, such Municipal Commissioner, and elsewhere] the managing committee, or any committee or committees to which the Municipality delegate the powers and functions of the managing committee in this behalf, or any [2][servant of the Crown] to whom, with the permission of the Commissioner, the Municipality delegate and they are hereby empowered so to delegate, the powers and functions of the managing committee in this behalf, shall, after allowing the applicant an opportunity of being heard in person or by agent, Hearing of objections.

(*a*) investigate and dispose of the objections,

(*b*) cause the result thereof to be noted in the book kept under sub-section (*2*), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment-list.

(*4*) When all objections made under this section have been disposed of, and all amendments required by sub-section (*3*) have been made in the assessment-list, the said list shall be authenticated [3][in a municipal district for which there is a Municipal Commissioner by the signature of the Municipal Commissioner, and elsewhere] by the signatures of the chairman and at least one other member of the managing committee, or if the Municipality have delegated the powers and functions of the managing committee in this behalf to any other committee or to [4][a servant of the Crown] by the signatures of not less than two members of such committee or of the officer aforesaid, and the person or persons so authenticating the list shall certify that no valid objection has been made to the valuation and assessment contained in the list except in the cases in which amendments have been made therein. Authentication of list.

(*5*) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons, and a notice that it is so open shall be forthwith published. Custody and inspection of list.

(*6*) Subject—

(*a*) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(*b*) to the result of any appeal made under section 86, Authenticated list how far conclusive.

the entries in the list so authenticated and deposited shall be accepted as conclusive evidence,

(*i*) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

[1] These words were inserted by s. 17 (*1*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[2] The words "servant of the Crown" were substituted for the words "officer of Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were inserted by s. 17 (*2*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[4] These words were substituted for the words "an officer of Government" by the Adaptation of Indian Laws Order in Council.

(*ii*) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

66. (*1*) The Municipality may at any time alter the said list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the valuation of or assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice to any person interested in the alteration, of a time, not less than one month from the date of service of such notice, at which the alteration is to be made.

Objections how dealt with.

(*2*) Every objection made by any persons interested in any such alteration, before the time fixed in the notice, and in the manner provided by sub-section (*2*) of the last preceding section, shall be dealt with in all respects as if it were an application under the said section.

Effect of amendment.

(*3*) Every alteration made under this section shall, subject to the result of an appeal under section 86, have the same effect as if it had been made on the earliest day in the current official year in which the circumstances justifying the alteration existed.

New assessment-list need not be prepared every year.

67. (*1*) It shall not be necessary to prepare a new assessment-list every year. Subject to the condition that every part of the assessment-list shall be completely revised not less than once in every four years, the Municipality may adopt the valuation and assessment contained in the list for any year, with such alterations as may be deemed necessary, for the year immediately following.

(*2*) But the provisions of sections 64, 65 and 66 shall be applicable every year as if a new assessment-list had been completed at the commencement of the official year.

Tax from whom primarily leviable.

68. Every tax imposed in the form of a rate on buildings or lands or on both, shall be leviable primarily from the actual occupier of the property upon which the said taxes are assessed, if he is the owner of the buildings or land or holds them on a building or other lease from the [1][Crown] or from the Municipality, or on a building lease from any person. Otherwise the said tax shall be primarily leviable as follows, namely :—

(*a*) if the property is let, from the lessor ;

(*b*) if the property is sublet, from the superior lessor ;

(*c*) if the property is unlet, from the person in whom the right to let the same vests :

Recovery from occupiers.

Provided that on failure to recover any sum due on account of such tax from the person primarily liable, such portion of the sum may be recovered from the occupier of any part of the buildings or lands in respect of which it is due as bears to the whole amount due the same ratio which the rent annually payable by such occupier bears to the aggregate amount of rent so payable in respect of the whole of the said buildings or lands, or to the aggregate amount of the letting value thereof, if any, stated in the authenticated assessment-list, whichever of those two amounts is the greater :

[1] The word "Crown" was substituted for the words "Secretary of State for India in Council" by the Adaptation of Indian Laws Order in Council.

Provided further that for any sum paid by, or recovered from, any occupier who is not primarily liable under this section, he shall be entitled to credit in account with the person primarily liable for the payment of that sum. Remedy of occupier in such case.

69. (1) When any building or land which is assessed to a rate payable by the year, or in respect of which a special sanitary cess is payable by the year or by instalments, has remained vacant and unproductive of rent throughout the year, or throughout the period in respect of which any such instalment is payable, the Municipality shall remit or refund not less than two-thirds of the amount of the rate, or of the cess or instalment of the cess, as the case may be: Remission of tax in case of vacancies when obligatory.

Provided that no such remission shall be granted unless notice in writing of the fact of the building or land being vacant and unproductive of rent has been given to the Municipality, and that no remission or refund shall take effect for any period previous to the day of the delivery of such notice.

(2) When any such building or land as aforesaid, When discretional.

(a) has been vacant and unproductive of rent for any period of not less than sixty consecutive days, or

(b) consists of separate tenements one or more of which has or have been vacant and unproductive of rent for any such period as aforesaid, or

(c) is wholly or in great part demolished or destroyed by fire or otherwise deprived of value,

the Municipality may remit or refund such portion, if any, of the rate or instalment as they may think equitable.

(3) The burden of proving the facts entitling any person to claim relief under this section shall be upon him. Burden of proof on claimant.

(4) For the purposes of this section [1][(a) a dwelling-house within the limits of a municipality notified by [2][the Provincial Government] as a hill-station municipality shall, if otherwise unoccupied, be deemed to be vacant notwithstanding the fact that it contains the furniture habitually used in it; and (b)] a building or land shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not. Explanatory clause.

(3) *Power to charge fees.*

70. (1) When any licence is granted by the Municipality under this Act, or when permission is given by them for making any temporary erection or for putting up any projection, or for the temporary occupation of any public street or other land vested in the Municipality, the Municipality may charge a fee for such licence or permission. Municipality may charge fees for certain licences.

(2) The Municipality may also charge such fees as may be fixed by by-laws under clause (a) of sub-section (1) of section 48 for the use of any such places mentioned in that sub-section as belong to the Municipality. Market and other fees.

[1] These words, letters and brackets were inserted by Bom. 12 of 1931, s. 2 (vi).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(4) Special provisions relating to certain taxes.

Fixed charges and agreements for payment in lieu of taxes for water supplied.

71. (*1*) The Municipality may, instead of imposing a water-rate or, in individual cases, of levying a rate imposed in respect of the supply of water belonging to the Municipality to, or for use in connection with, any private lands or buildings,

(*a*) fix at rates not exceeding such as shall be specified in the rules in force under section 46, charges for such supply according to the quantity used, as ascertained by measurement,

(*b*) arrange with any person, on his application, to supply on payment, periodical or otherwise, water belonging to the Municipality in such quantities or for such purposes, whether domestic, ornamental, or irrigational or for trade, manufacture or otherwise, on such terms and subject to such conditions as they shall fix by agreement with such person :

Provided that—

(*a*) the meters, connection-pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the Municipality, and the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the Municipality, be defrayed by the persons liable in respect of such supplies, and

(*b*) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the by-laws for the time being in force under section 48.

Power to fix a special rate in lieu of special sanitary cess.

(*2*) When the Municipality have made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, they may, instead of levying in respect thereof any special sanitary cess imposed under this Chapter, fix a special rate and the dates and other conditions for periodical payments thereof, which shall be determined either,

(*i*) in accordance with the rules for the time being in force under section 46, or

(*ii*) by written agreement with the person who would have been otherwise liable for the cess, provided that, in fixing the amount, proper regard be had to the probable cost to the Municipality of the service to be rendered.

Power to compound tax on vehicles or animals.

(*3*) When the Municipality have imposed a tax on vehicles or animals kept for use within the municipal district they may compound with the keeper of any livery-stable or of horses or vehicles kept for sale and hire, for the payment of a lump sum, for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Recovery of sums claimed under this section.

(*4*) Every sum claimed by the Municipality as due under sub-section (*1*) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (*2*) or as a lump sum payable under sub-section (*3*), shall for the purposes of Chapter VIII be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said Chapter :

Provided that nothing in this section shall affect the right or power of the Municipality to contract with any person to supply for use beyond the limits of

the municipal district, at such rates and on such conditions as the Municipality may think fit, any quantity of water belonging to the Municipality but not required for the purposes of this Act.

Taxes on pilgrims may be assigned in part to local boards.

72. If any tax imposed under this Act is a tax on pilgrims resorting periodically to a shrine within the limits of a municipal district, the Commissioner may require the Municipality of such district to assign and pay to the district local board, or to the taluka local board having authority in the taluka in which such municipal district is situate, or partly to the said district local board and partly to the said taluka local board, such portion of the total collections on account of such tax as he shall deem fit; and the portion so assigned shall be expended by the said board or boards, within the areas respectively under their authority, on works conducive to the health, convenience and safety of the said pilgrims.

Power of Provincial Government to suspend levy of objectionable taxes.

73. If it shall at any time appear to the [1][Provincial Government], on complaint made or otherwise, that any tax, leviable by a Municipality, is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interest of the general public, [2][it] may require the said Municipality, within such period as [2][it] shall fix in this behalf, to take measures for removing any objection which appears to [3][it] to exist to the said tax, and if, within the period so fixed, such requirement shall not be carried into effect to the satisfaction of the [1][Provincial Government], [2][it] may, by notification in the [4][*Official Gazette*], suspend the levy of such tax, or of such part thereof, until such time as the objection thereto shall be removed.

The [1][Provincial Government] may at any time, by a like notification, rescind any such suspension.

Power of Provincial Government to require municipalities to impose taxes.

74. Whenever it appears to the [1][Provincial Government] that the balance of the municipal fund of any Municipality is insufficient for meeting the expenditure incurred under section 175 or for the performance of any duties in respect of which they shall have been declared under section 178 to have committed default, the [1][Provincial Government] may by notification require the Municipality to impose, within the municipal district, any such tax specified in the notification as may be imposed under section 59 if no such tax is at the time imposed therein, or to enhance any existing tax in such manner or to such extent as the [1][Provincial Government] considers fit, and the Municipality shall forthwith proceed to impose or enhance in accordance with the requisition such tax under the provisions of this Chapter, as if a resolution of the Municipality had been passed for the purpose under section 60 :

Provided that—

(*a*) the [1][Provincial Government] shall take into consideration any objection which the Municipality or any inhabitant of the municipal district may make against the imposition or enhancement of such tax,

(*b*) it shall not be lawful for the Municipality to abandon or modify or to abolish such tax when imposed, and

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "he", *ibid.*

[3] The word "it" was ubstituted for the word "him", *ibid.*

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

(c) the [1][Provincial Government] may at any time cancel or modify any requisition made by [2][it] under this [3][section], and the levy of the tax or the enhancement, except as to arrears theretofore accrued due, shall thereupon cease or be modified accordingly.

(5) Octroi and Tolls.

Octroi by-laws to be submitted with proposal for imposition of octroi.

75. Every Municipality, when submitting for sanction a proposal for the imposition of octroi, shall submit therewith for sanction a draft of by-laws for the purposes of clause (*j*) of section 48, after observing the requirements of sub-sections (*2*) and (*3*) of that section.

Power to examine articles liable to octroi.

[4]**76.** (*1*) Every person bringing into, or receiving from beyond, the octroi limits of a municipal district any article on which octroi is payable shall, when required by an officer authorized in this behalf by the Municipality, and so far as may be necessary for ascertaining the amount of tax chargeable,

(*a*) permit that officer to inspect, examine and weigh, and otherwise deal with the article; and

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to the article.

Power to search where octroi is leviable.

(*2*) If any person bringing into, or receiving from beyond, the octroi limits of a municipal district in which octroi is leviable any conveyance or package shall refuse, on the demand of an officer authorized by the municipality in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate or such officer of the Municipality as the [1][Provincial Government] appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.

Presentation of bills for octroi.

77. (*1*) Every officer demanding octroi by the authority of the Municipality shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(*2*) If goods passing into a municipal district are liable to the payment of octroi, then every person who, with the intention to defraud the Municipality, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said district, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees, whichever may be greater.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "him", *ibid.*

[3] This word was substituted for the word "sub-section" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

[4] Sections 76, 77, 79, 80 and Schedule D have been extended to the Cantonment of Ahmednagar subject to certain restrictions and modifications, *see Gazette of India*, 1905, Pt. I, p. 19.

78. Every Municipality imposing any toll under this Act shall cause to be kept, at each place where such toll is to be collected, a table in the vernacular language of the district, showing the amounts leviable in all cases provided for in the rules, including the terms, if any, on which the liability to pay such tolls may be compounded by periodical payments, and it shall be the duty of every person authorized to demand payment of a toll to show such table on the request of any person on whom such demand is made. Tables of tolls to be shown on demand.

79. (*1*) In the case of non-payment on demand of any octroi or of any toll leviable by a Municipality, the person appointed to collect such octroi or toll may seize any article on which the octroi is chargeable or any vehicle or animal on which the toll is chargeable, or any part of its burden, which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the vehicle, animal or article seized, a list of the property together with a written notice in the form of Schedule D that the said property will be sold as shall be specified in such notice. Power to seize vehicle or animal on non-payment of octroi or toll.

(*2*) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the octroi or toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of octroi or toll demanded be forthwith paid. Power to sell property seized at once.

(*3*) If at any time before the sale has begun, the person whose property has been so seized tenders at the municipal office the amount of all expenses incurred, and of the octroi or toll payable, the Municipality shall forthwith release the property seized. Release of property on payment.

(*4*) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such octroi or toll and the expenses incidental to the seizure, detention and sale. Sale.

(*5*) If surplus, if any, of the sale-proceeds shall be credited to the municipal fund, and may, on application made to the Municipality in writing within six months next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the Municipality. Surplus how dealt with.

80. The Municipality, if they think fit, instead of requiring payment of octroi, due from any mercantile firm or public body, to be made at the time when the articles in respect of which it is leviable are introduced within the octroi limits of the municipal district, may at any time direct that an account-current shall be kept on behalf of the Municipality of the octroi so due from any such firm or body as the Municipality specify in this behalf. Every such account shall be settled at intervals not exceeding one month, and such firm or public body shall make such deposit or furnish such security as the Municipality or any committee or officer authorized by them in this behalf shall consider sufficient to cover the amount which may at any time be due from such firm or body in respect of such dues. Every amount so due at the expiry of any such interval shall, for the purposes of Chapter VIII, be deemed to be, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under the said Chapter. Power to keep account current with firm or public body in lieu of levying octroi on introduction of goods.

Collection of octroi by one public body on behalf of others.

81. When any agreement such as is referred to in clause (*b*) of section 39 has been entered into, such one of the bodies entering into the agreement as by the terms thereof shall be specified in this behalf, shall have the same power to establish such octroi limits and octroi stations as that body may deem necessary, for the entire area in which the octroi is to be collected, and shall have the same power of collecting octroi on animals or goods or both brought within the limits so established, and the provisions of [1][the Act under which that body is constituted] relating to octroi shall apply in the same way as if the limits so established were wholly comprised within the area subject to the control of [2][that body], and the collections made and the costs thereby incurred shall, subject to the provisions of section 39, be divided between the funds respectively subject to the control of the bodies so entering into the agreement, in such proportions as shall have been determined in the said agreement.

Farming of tolls.

[3][**81A.** (*1*) It shall be lawful for the Municipality to lease the levy of any toll that may be imposed under this Act by public auction or private contract :

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Person employed by lessee of toll to have power of seizure.

(*2*) Where any toll has been leased under this section any person employed by the lessee to collect such toll shall, subject to the conditions of the lease, have the powers referred to in sub-sections (*1*) and (*2*) of section 79 :

Provided that no article distrained may be sold except under the orders of the Municipality.]

CHAPTER VIII.

Recovery of Municipal Claims.

Presentation of bill for taxes.

82. (*1*) When any amount,

(*a*) which, by or under any provisions of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(*b*) which, not being leviable under sub-section (*1*) of section 79, or payable on demand on account of an octroi or a toll, is claimable as an amount or instalment on account of any other tax which now is imposed or hereafter may be imposed in any municipal district,

hall have become due, the Municipality shall, with the least practicable delay, cause so be presented to the person liable for the payment thereof a bill for the sums tclaimed as due.

Contents of bill.

(*2*) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which,

the sum is claimed, and shall also give notice of—

(*i*) the liability incurred in default of payment, and of

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[1] These words were substituted for the words "this Act" by Bom. 14 of 1934, s. 2 (*2*) (*i*).

[2] The words "that body" were substituted for the words "the body by which they are so established", *ibid.*, s. 2 (*2*) (*ii*).

[3] Section 81A was inserted by s. 18 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

(*ii*) the time within which an appeal may be preferred as hereinafter provided against such claim.

(*3*) If the sum for which any bill has been presented as aforesaid is not paid into the municipal office, or to a person authorized by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the Municipality may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form of Schedule B, or to the like effect. If bill not paid within fifteen days, notice of demand to issue.

83. (*1*) If the person liable for the payment of the said sum does not, within fifteen days from the service of such notice of demand, either— In what cases warrant may issue.

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the Municipality, or [1][of] such officer as the Municipality by rule may appoint in this behalf, or in a City Municipality [1][of] the chief officer, if any, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 86 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the Municipality in the form of Schedule C or to the like effect by distress and sale of the moveable property of the defaulter.

(*2*) Every warrant issued under this section shall be signed by the president of the Municipality causing the same to be issued, [2][or by the Municipal Commissioner, if any,] or in the case of a City Municipality by the chairman of the managing committee, or by an officer to whom the Municipality have delegated their powers under section 37 or by the chief officer, if any. Warrant by whom to be signed.

[3][(*2A*) Where the property is in the municipal district the warrant shall be addressed to an officer of the Municipality. Where the property is in another municipal district or is not in a municipal district the warrant shall be addressed to the vice-president of the Municipality in such other municipal district or to a [4][servant of the Crown] not lower in rank than a Mahalkari, as the case may be: Provided that such vice-president or [4][servant of the Crown] may endorse such warrant to a subordinate officer. Where the property is in the City of Bombay the warrant shall be addressed to the [5][Registrar of the Court of Small Causes of Bombay:] [6][provided that the Registrar may endorse such warrant to a subordinate officer].] To whom warrant should be addressed.

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[1] This word was substituted for the word "to" by s. 5 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. 4 of 1904).

[2] These words were inserted by s. 19 (*1*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[3] Sub-section (*2A*) was inserted by s. 19 (*2*), *ibid.*

[4] The words "servant of the Crown" were substituted for the words "Government officer" by the Adaptation of Indian Laws Order in Council.

[5] These words were substituted for the words "Municipal Commissioner for the City of Bombay" by s. 3 of the Bombay District Municipal (Amendment) Act, 1920 (Bom. 3 of 1920).

[6] This proviso was added, *ibid.*

Power of entry under special order.

(3) It shall be lawful for [1][any officer] to whom a warrant issued under sub-section (2) is addressed, if the warrant contains a special order authorizing him in this behalf, but not otherwise, to break open, at any time between sunrise and sunset, any outer or inner door or window of a building, in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance: Provided that such officer shall not enter or break open the door of any apartment appropriated for women, until he has given three hours' notice of his intention and has given such women an opportunity to remove.

Warrant how to be executed.

(4) It shall also be lawful for such officer to distrain, wherever it may be found, any moveable property of the person therein named as defaulter, subject to the following conditions, exceptions and exemptions, namely :—

(a) The following property shall not be distrained :—

(i) the necessary wearing apparel and bedding of the defaulter, his wife and children.

(ii) the tools of artizans,

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable the defaulter to earn his livelihood.

(b) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person authorized by or under sub-section (2) to sign a warrant, should not have been so distrained they shall forthwith be returned.

(c) The officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of Schedule D that the said property will be sold as shall be specified in such notice.

Sale of goods distrained.

84. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value, the president or chairman or officer by whom the warrant was signed shall at once give notice to the person in whose possession the property was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

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[1] These words were substituted for the words "any municipal officer" by s. 19 (3) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

(*2*) If not sold at once under sub-section (*1*), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the Municipality, and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid. Application of proceeds of sale.

(*3*) The surplus, if any, shall be forthwith credited to the municipal fund, notice of such credit being given at the same time to the person from whose possession the property was taken, but if the same be claimed by written application to the Municipality within one year from the date of the [1][notice] a refund thereof shall be made to such person. Any sum not claimed within one year from the [2][date] of such notice shall be the property of the Municipality. Surplus, if any, how dealt with.

[3][**84A.** Where the warrant is addressed outside the municipal district the authority issuing the warrant may by endorsement direct the officer [4][or Registrar of the Court of Small Causes of Bombay] to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer [4][or Registrar] to sell the property and to do all things incidental to the sale and the foregoing provisions shall be modified accordingly. [5][Such officer or Registrar shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued].] Distraint and sale outside the district.

85. Fees for— Fees and costs chargeable.

(*a*) every notice issued under sub-section (*3*) of section 82,

[6][(*b*) every warrant issued under sub-section (*1*) of section 83 or distress made under sub-section (*4*) of the said section, and]

(*c*) the costs of maintaining any live stock seized under [7][sub-section (*4*) of section 83],

shall be chargeable at the rates respectively specified in such behalf in the rules of the Municipality, and shall be included in the costs of recovery to be levied under [8][section 83].

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[1] This word was substituted for the word "sale" by s. 6 (*a*) of the Bombay District Municipal (Amendment) Act, 1904 (Bom. 4 of 1904).

[2] This word was substituted for the word "sale" by s. 6 (*b*), *ibid.*

[3] Section 84A was inserted by s. 20 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[4] These words were inserted by s. 4 (*a*) of the Bombay District Municipal (Amendment) Act, 1920 (Bom. 3 of 1920).

[5] These words were added by s. 4 (*b*), *ibid.*

[6] Clause (*b*) was substituted for the original clause by Bom. 12 of 1931, s. 2 (*vii*) (*a*).

[7] These words, figures and brackets were substituted for the words "the said sub-section" by Bom. 12 of 1931, s. 2 (*vii*) (*b*).

[8] This word and these figures were substituted for the word and figures "section 84" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

Appeals to Magistrates.

86. Appeals against any notice of demand issued under sub-section (*3*) of section 82 may be made to any Magistrate or Bench of Magistrates by whom under the directions of the [1][Provincial Government], [2][or in respect of the areas specified in Part II of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, of the Chief Presidency Magistrate or in respect of other areas, of the District Magistrate], such class of cases is to be tried. Bom. XVII of 1945.

But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within fifteen days next after service of the notice of demand complained of; and

(*b*) an application in writing, stating the ground on which the claim of the Municipality is disputed, has been made to the Municipality as follows, that is to say:

(*i*) in the case of a rate on buildings or lands, within the time fixed in the notice given under section 65 or 66 of the assessment or alteration thereof, according to which the bill is prepared,

(*ii*) in the case of any other claim for which a bill has been presented under sub-section (*1*) of section 82 within fifteen days next after the presentation of such bill; and

(*c*) the amount claimed from the appellant has been deposited by him in the municipal office.

Liability of land, buildings, etc., for rates.

87. All sums due on account of any tax imposed in the form of a rate on lands or buildings or on both, mentioned in section 68, shall, subject to prior payment of land-revenue, if any, due to [3][His Majesty] thereupon, be a first charge upon the building or land, in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax or taxes:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Suspension of power to recover by distress and sale.

88. The [1][Provincial Government] may at any time by notification suspend the operation of sections 83 and 84 in any municipal district, in which there is not a City Municipality, and from such date as shall be fixed in this behalf in the

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This portion was substituted for the words "or of the District Magistrate" by Bom. I of 1947, s. 5.

[3] These words were substituted for the words "the Secretary of State for India in Council" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a Magistrate, in the manner provided in sub-section (*2*) of section 161 for the recovery of such fines as are therein referred to, and not otherwise.

89. For all sums paid on account of any tax under this Act, a receipt stating the amount, and the tax on account of which it has been paid, shall be tendered by the person receiving the same. Receipts to be given for all payments.

CHAPTER IX.

Municipal Powers and Offences.

(*1*) *Powers in respect of streets.*

90. (*1*) It shall be lawful for the Municipality to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge or otherwise improve any such streets, and to turn, divert, discontinue or stop up any such streets, and, subject to the provisions of sub-section (*2*) of section 40 [1][to lease or sell] any such land, theretofore used or acquired by the Municipality for the purposes of such streets as may not be required for any public street or for any other purposes of this Act. Power regarding streets, etc.

(*2*) In laying out or making or in turning, diverting, widening, opening enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and footways and drains thereof, the Municipality may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (*2*) of section 40, may sell and dispose of the same in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as they may think fit.

(*3*) When the Municipality consider that in any street, not being a public street, or in any part of such street, within the municipal district, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channeling, draining, lighting or cleaning thereof, the Municipality may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice. Power to require repair of streets.

(*4*) After such work has been carried out by such owners or, as provided in section 156, by the Municipality at the expense of such owners, the street or part thereof in which such work has been done may, and on the joint requisition of a majority and to declare such streets public.

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[1] The words "to lease or sell" were substituted for the words "to sell" by Bom. 26 of 1930, s. 6.

of the said owners shall, be declared by a public notice, put up therein by the Municipality, to be a public street.

Power to declare any street a public street, subject to objections by the owners.

(*5*) A Municipality may, at any time, by notice fixed up in any street or part of a street not maintainable by the Municipality, give intimation of their intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street lodges or lodge objections thereto at the municipal office, the Municipality may by notice in writing put up in such street, or such part, declare the same to be a public street.

New streets.

91. (*1*) Every person intending to lay out or make any new street, shall give notice in writing thereof to the Municipality, and shall furnish plans and sections showing the intended level, means of drainage, direction and width of such street, if required by the Municipality to do so, and the level, means of drainage, direction and width of every such street shall be fixed or approved by the Municipality.

Power of Municipality to pass orders.

(*2*) Before passing orders under sub-section (*1*), the Municipality may either issue,

(*a*) a provisional order directing that for a period therein specified, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) a demand for further particulars.

Right to proceed in certain cases.

(*3*) If,

(*a*) within one month from the receipt of the notice given under sub-section (*1*) the Municipality have neither—

(*i*) passed orders and served notice thereof either fixing or disapproving the proposals submitted under sub-section (*1*) with regard to level, means of drainage, direction and width of the street, nor.

(*ii*) under sub-section (*2*), issued any provisional order or demand for further particulars, or if

(*b*) the Municipality, having issued such demand for, and having received, in accordance with the demand and with by-laws in force in this behalf, such further particulars, have issued no further orders within one month from the receipt of such particulars,

then the street may be laid out and made, in such manner as may have been specified in the notice, and as is not inconsistent with any provision of this Act or of any by-laws for the time being in force thereunder.

Penalty.

(*4*) Whoever lays out, makes or builds upon any such street, either without giving the notice required by sub-section (*1*), or, except in accordance with the provisions of sub-section (*3*) without awaiting, or otherwise than in accordance with, the instructions issued by the Municipality, or in any manner contrary to the provisions of this Act or of any by-law in force thereunder shall be punished with fine which may extend to two hundred and fifty rupees, and the Municipality may cause any

street so laid out or made to be altered, and any building erected in such street contrary to their directions to be altered or removed, and the expense thereby incurred shall be paid to them by the offender, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII

[1][**91A.** (*1*) It shall be the duty of every [2][city municipality and of such other municipality as may be notified by [3][the Provincial Government] in this behalf] to prescribe a line on each side of every public street within the municipal district and the Municipality may from time to time prescribe a fresh line in substitution for any line so prescribed, or for any part thereof: The regular line of a public street.

Provided that—

(*a*) at least one month previous to prescribing such line or such fresh line, as the case may be, the Municipality shall give public notice of the proposal and they shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed, and

(*b*) the Municipality shall consider any written objection or suggestion in regard to such proposal delivered at the office of the Municipality within such time as they may specify in such public or special notice.

(*2*) The line for the time being so prescribed shall be called 'the regular line of the public street'.

[4][(*3*) (*a*) Except] under the provisions of section 113, no person shall construct or reconstruct any portion of any building within the regular line of the public street without the permission of the Municipality under section 96.

(*b*) Where the Municipality refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall be added to the street and shall thenceforth be deemed part of the public street and shall be vested in the Municipality.

(*c*) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 160, shall be paid by the Municipality to the owner of any land added to a street under clause (*b*) for the value of the said land, and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Municipality under the said clause:

Provided that no such compensation shall be payable in cases to which section 119 applies.]

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[1] Section 91A was inserted by s. 21 (*1*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[2] These words were substituted for the word "Municipality" by Bom. 4 of 1924, s. 5.

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] Sub-section (*3*) was substituted for the original sub-section by Bom. 26 of 1930, s. 7.

(*4*) Whoever contravenes the provisions of sub-section (*3*) shall be punished with fine which may extend to one thousand rupees; and the Municipality may—

(*a*) direct that the building be stopped, and

(*b*) by written notice require such building or portion thereof to be altered or demolished as they may deem necessary.]

(*2*) *Powers to regulate buildings, etc.*

Setting back projecting buildings.

92. (*1*) If any part of a building projects beyond the regular line of a public street either as existing or as determined upon for the future or beyond the front of the building on either side thereof, the Municipality may,—

(*a*) if the projecting part thereof is a verandah, step or some other structure external to the main building, then at any time, or

(*b*) if the projecting part is not such external structure as aforesaid, then whenever the greater portion of such building or whenever any material portion of such projecting part has been taken down or burned down or has fallen down,

require by written notice either that the part, or some portion of the part, projecting beyond the said regular line or beyond the said front of the adjoining building on either side thereof, shall be removed or that such building when being rebuilt shall be set back to or towards the said regular line or the front of such building. And the portion of land added to the street by such setting back or removal shall thenceforth be deemed part of the public street and be vested in the Municipality.

Acquisition of land which is within the regular line of a street and open or occupied only by platforms, etc.

(*2*) If any land, not vested in the Municipality, whether open or enclosed, lies within the regular line of a public street, and is not occupied by a building other than a platform, verandah, step or other such external structure, the Municipality after giving the owner of the land not less than fifteen clear days' written notice of their intention, or if the land is vested in His Majesty, then with the permission in writing of the Collector, may take possession of the said land with its enclosing wall, hedge or fence, if any, and, if necessary, clear the same; and the land so acquired shall thenceforward be deemed a part of the public street, and be vested in the Municipality.

Compensation payable by the Municipality.

(*3*) Compensation, the amount of which shall in case of dispute be ascertained and determined in the manner provided in section 160, shall be paid by the Municipality to the owner of any land added to a street under sub-section (*1*) or acquired under sub-section (*2*) for the value of the said land and to the owner of any building for any loss, damage or expense incurred by such owner in consequence of any action taken by the Municipality under either of the said sub-sections, provided that no such compensation shall be payable in cases to which section 119 applies.

Setting forward to regular line of street.

93. The Municipality may, upon such terms as they think fit, allow any building to be set forward for improving the line of any public street in which such building is situated.

Roofs and external walls of buildings not to be made of inflammable materials.

94. (*1*) The external roofs and walls of buildings erected or renewed after the coming into force of this Act, shall not be made of grass, wood, cloth, canvas, leaves, mats or other inflammable materials except with the written consent of the Municipality, which may be given either specially in individual cases, or generally in respect of any area specified therein.

Power to require removal of roof and wall if inflammable.

(*2*) The Municipality may at any time by written notice require the owner of any building which has an external roof or wall made of any such material as aforesaid, to remove such roof or wall within such reasonable time as shall be specified in the notice, whether such roof or wall was or was not made before the time at

which this Act came into force, and whether it was made with or without the consent of the Municipality.

(*3*) Whoever without such consent as is required by sub-section (*1*) makes, or causes to be made, or in disobedience to the requirements of a notice given under sub-section (*2*) suffers to remain, any roof or wall of such material as aforesaid, shall be punished with a fine which may extend to twenty-five rupees, and with a further fine which may extend to ten rupees for every day on which the offence is continued, after the date of the first conviction. Penalty.

95. No building shall hereafter be built upon a lower level than will allow of the drainage thereof being led into some public sewer or drain either then existing or projected by the Municipality, or into some stream or river, or into the sea, or some cesspool, or other suitable place which may be approved of by the Municipality. Level of buildings.

96. (*1*) Before beginning to erect any building, or to alter externally or add to any existing building, or to [1][construct or] reconstruct any projecting portion of a building in respect of which the Municipality is empowered by section 92 to enforce a removal or set-back, [2][or is empowered by section 91A to give permission to [1][construct or] reconstruct it,] the person intending so to build, alter, [3][add or reconstruct] shall give to the Municipality notice thereof in writing, and shall furnish to them, at the same time if required by a by-law or by special order to do so, Notice of new buildings.

(*a*) the sanad, if any, in force relating to the site of such proposed building, issued under section 10 of [4]Bombay Act IV of 1868 or received under section 133 of the [5]Bombay Land Revenue Code, 1879, or other enactment relating to the survey of lands in towns and cities, and Bom. V of 1879.

(*b*) a plan showing the levels, at which the foundation and lowest floor of such building are proposed to be laid, by reference to some level known to the Municipality, and all information they may require regarding the limits, design, ventilation and materials of the proposed building, and the intended situation and construction of the drains, sewers, privies, water-closets, and cesspools, if any, to be used in connection therewith, and the location of the building with reference to any existing or projected streets [6][and the purpose for which the building will be used.]

(*2*) [7][Save as otherwise provided in this Act or the rules and bye-laws thereunder, the Municipality] may either give permission to erect [8][alter, add to or reconstruct] the building according to the plan and information furnished or may impose in writing such conditions as to level, drainage, sanitation, materials or to the dimensions and cubical contents of rooms, doors, windows and apertures for ventilation [9][or to the number of storeys to be erected], or with reference to the location of the building in relation to any street existing or projected [10][or the purpose for which the building is to be used], as they think proper, or may direct that the work Power of Municipality to pass orders.

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[1] These words were inserted by Bom. 26 of 1930, s. 8 (*a*) (*i*).

[2] These words, figures, and letter were inserted by s. 21 (*2*) of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[3] These words were substituted for the words "or add" by Bom. 26 of 1930, s. 8 (*a*) (*ii*).

[4] Rep. by Bom. 5 of 1879.

[5] See *Supra*.

[6] These words were added by Bom. 26 of 1930, s. 8 (*a*) (*iii*).

[7] These words were substituted for the words "The Municipality may issue such orders not inconsistent with this Act as they think proper with reference to the work proposed in such notice and", *ibid.*, s. 8 (*b*) (*i*).

[8] These words were substituted for the words "or alter or add to", *ibid.*, s. 8 (*b*) (*ii*).

[9] These words were inserted, *ibid.*, s. 8 (*b*) (*iii*).

[10] These words were inserted, *ibid.*, s. 8 (*b*) (*iv*).

shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to their satisfaction.

Permission may be revoked and fresh permission given subject to conditions.

[1][(*2A*) The Municipality may, before any work has been commenced in pursuance of any permission granted by the Municipality under sub-section (*2*), revoke such permission and may give fresh permission in lieu thereof on such conditions, in accordance with this Act and the rules and bye-laws made thereunder, with reference to the matters mentioned in the said sub-section, as they think proper, and may direct that the work shall not be proceeded with unless and until all questions connected with the respective location of the building and any such street have been decided to their satisfaction.]

Or power of Municipality to suspend the work or require further particulars.

(*3*) Before issuing any orders under sub-section (*2*) the Municipality may, within one month from the receipt of such notice, either issue,

(*a*) a provisional order directing that for a period, which shall not be longer than one month from the date of such order, the intended work shall not be proceeded with, or

(*b*) may demand further particulars.

Right to proceed in certain cases.

(*4*) A building proposed in a notice given under sub-section (*1*) may be proceeded with in such manner, as may have been specified in such notice as is not inconsistent with any provision of this Act or of any by-law for the time being in force thereunder in the following cases, that is to say :—

(*a*) in case the Municipality, within one month from the receipt of the notice given under sub-section (*1*) have neither

(*i*) passed orders under sub-section (*2*) and served notice thereof in respect of the intended work ; nor

(*ii*) issued under sub-section (*3*) any provisional order or any demand for further particulars ;

(*b*) in case the Municipality having issued such demand for and having received in accordance with the by-laws in force in this behalf, such further particulars, have issued no further orders within one month from the receipt of such particulars :

[2]* * * * * *

Commencement of work.

[3][(*4A*) No person who becomes entitled under sub-section (*2*) or (*4*), to proceed with any intended work of which notice is required by sub-section (*1*) shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of the preceding sub-sections.]

(*5*) Whoever begins [4][any construction, alteration, addition or reconstruction] without giving the notice required by sub-section (*1*) or without furnishing the documents or affording the information above prescribed, or except as provided in sub-section (*4*) without awaiting, or in any manner contrary to, such legal orders of the Municipality as may be issued under this section [5][or contrary to the provisions of sub-section (*4*) or (*4A*)], or in any other respect contrary to the provisions of this Act or of any by-law in force thereunder shall be punished with fine which may extend to one thousand rupees : [6][and in the case of a continuing contravention of any of the aforesaid provisions, he shall be liable to an additional

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[1] Sub-section (*2A*) was inserted by Bom. 26 of 1930, s. 8 (*c*).

[2] The proviso to sub-section (*4*) was repealed, *ibid.*, s. 8 (*d*).

[3] Sub-section (*4A*) was inserted, *ibid.*, s. 8 (*e*).

[4] These words were substituted for the words "or makes any building or alteration or addition", *ibid.*, s. 8 (*f*) (*i*).

[5] These words, figures and letter were inserted, *ibid.*, s. 8 (*f*) (*ii*).

[6] These words were inserted, *ibid.*, s. 8 (*f*) (*iii*).

fine which may extend to ten rupees for each day during which such contravention continues after conviction for the first such contravention]; and the Municipality may

(*a*) direct that the building, alteration [1][addition or reconstruction] be stopped, and

[2][(*b*) upon a conviction being obtained under this sub-section by written notice, require such construction, alteration, addition or reconstruction to be altered or demolished in accordance with the provisions of such notice.]

(*6*) The Municipality or any officer deputed by them may at any time inspect the erection of any building without giving notice of their or his intention to do so, and [3]* * at any time during the erection of a building or the execution of any such work as aforesaid, or at any time not later than one month after being informed in writing by the person responsible for giving a notice under sub-section (*1*) that the erection of the building, or the execution of any such work as aforesaid, has been completed, may by written notice specify any matter in respect of which the erection of such building, or the execution of such work, may be in contravention of any provision of this Act or of any by-law made under this Act at the time in force, and require the person erecting or executing, or who has erected or executed, such building or work, or, if the person who has erected or executed such building or work is not at the time of notice the owner thereof, then the owner of such building or work, to cause anything done contrary to any such provision or by-law to be amended or to do anything which by any such provision or by-law he may be required to do but which has been omitted.

Explanation.—The expression "to erect a building" throughout this Chapter includes—

(*a*) any material alteration, enlargement or reconstruction of any building [4][or of any wall, verandah, fixed platform, plinth, doorstep or the like, whether constituting part of a building or not],

(*b*) the conversion into a place for human habitation of any building not originally constructed for human habitation,

(*c*) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(*d*) the conversion of two or more places of human habitation into a greater number of such places,

(*e*) such alterations of the internal arrangements of a building as affect its drainage, ventilation or other sanitary arrangements, or its security, or stability, and

(*f*) the addition of any rooms, buildings or other structures to any building, and a building so altered, enlarged, reconstructed, converted, or added to, is, throughout this Chapter, included under the expression "a new building".

97. It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into operation, without giving previous notice to the Municipality; and the Municipality may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front Regulation of huts.

[1] The words "addition or reconstruction" were substituted for the words "or addition" by Bom. 26 of 1930, s. 8 (*f*) (*iv*).

[2] Clause (*b*) was substituted for the original clause by *ibid.*, s. 8 (*f*) (*v*).

[3] The words "they may" were repealed by s. 7 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. 4 of 1904).

[4] These words were added by Bom. 26 of 1930, s. 8 (*g*).

of and between every two lines of such width as the Municipality think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as to them may seem necessary. If any hut or shed or range or block be built without giving such notice to the Municipality, or otherwise than as required by the Municipality, the Municipality may give written notice to the owner or builder thereof, or to the owner or occupier of the land on which the same is erected, or is being erected, requiring him within such reasonable time as shall be specified in the notice to take down and remove the same, or to make such alterations therein or additions thereto as having regard to sanitary considerations the Municipality may think fit.

Improvement of huts.

98. (*1*) Whenever the Municipality are of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into operation or subsequently erected, are by reason—

(*a*) of insufficient ventilation or of the manner in which such huts or sheds are crowded together, or

(*b*) of the want of a plinth or of a sufficient plinth or of sufficient drainage, or

(*c*) of the impracticability of scavenging,

attended with risk of disease to the inhabitants or the neighbourhood, they shall cause a notice to be affixed to some conspicuous part of each such hut or shed, requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the Municipality for that purpose, to take down and remove such hut or shed, or to execute such operations as the Municipality may deem necessary for the avoidance of such risk.

(*2*) In case any such owner or occupier shall refuse or neglect to take down and remove such huts or sheds, or to execute such operations within the time appointed, the Municipality may cause the said huts or sheds to be taken down, or such operations to be performed in respect of such huts or sheds as they may deem necessary to prevent such risk.

(*3*) If such huts or sheds be pulled down by the Municipality, the Municipality shall cause the materials of each hut or shed to be sold separately, if such sale can be effected, and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the Municipality until the person interested therein shall obtain the order of a competent Court for the payment of the same:

Provided always that in case any huts or sheds, existing at the time when the land on which they are situated first became part of a municipal district, should be pulled down under this section by order of the Municipality, or in pursuance of their notice, compensation shall further be made to the owner or owners thereof, and the amount thereof, in case of dispute, shall be ascertained and determined in the manner provided in section 160.

(*3*) *Powers connected with drainage, etc.*

Municipal control over drains, etc.

99. (*1*) All sewers, drains, privies, water-closets, house-gullies and cesspools within the municipal district shall be under the survey and control of the Municipality.

(*2*) All covered sewers and drains, and all cesspools, whether public or private, shall be provided by the Municipality or other persons to whom they severally

belong, with proper traps, or other coverings or means of ventilation and the Municipality may by written notice call upon the owner of any such covered sewers, drains or cesspools to make provision accordingly.

Powers for making drains.

100. (*1*) In order to carry out any drainage scheme it shall be lawful for a Municipality to carry any drain, sewer, conduit, tunnel, culvert pipe or water-course through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the municipal district.

(*2*) The Municipality, or any officer appointed by them for such purpose, may enter upon and construct any new drain in the place of an existing drain in any land wherein any drain vested in the Municipality has been already constructed, or may repair or alter any drain vested in the Municipality.

(*3*) In the exercise of any power under this section no unnecessary damage shall be done, and compensation, which shall, in case of dispute, be ascertained and determined in the manner provided in section 160, shall be paid by the Municipality to any person who sustains damage by the exercise of such power.

Sufficient drainage of houses.

101. (*1*) If any building or land be at any time undrained, or not drained to the satisfaction of the Municipality, the Municipality may by written notice call upon the owner to construct or lay from such building or land a drain or pipe of such size and materials, at such level, and with such fall as they think necessary for the drainage of such building or land into—

(*a*) some drain or sewer, if there be a suitable drain or sewer within fifty feet of any part of such building or land, or

(*b*) a covered cesspool to be provided by such owner.

New buildings not to be erected without drains.

(*2*) It shall not be lawful newly to erect any building or to re-build any building, or to occupy any building newly erected or re-built, unless and until—

(*a*) a drain be constructed of such size, materials and description, at such level, and with such fall, as shall appear to the Municipality to be necessary for the effectual drainage of such building;

(*b*) there have been provided for and set up in such building and in the land appurtenant thereto, all such appliances and fittings as may appear to the Municipality to be necessary for the purposes of gathering and receiving the drainage, from, and conveying the same off, the said building and the said land and of effectually flushing the drain of the said building and every fixture connected therewith.

(*3*) The drain to be constructed as aforesaid shall empty into a municipal drain, or into some place legally set apart for the discharge of drainage situated at a distance not exceeding fifty feet from such building; but if there is no such drain or place within that distance, then such drain shall empty into such cesspool as the Municipality direct.

Powers of owners and occupiers of buildings or lands to drain into municipal drains.

102. The owner or occupier of any building or land within the municipal district shall be entitled to cause his drains to empty into the sewers of the Municipality, provided that he first obtains the written permission of the Municipality, and that he complies with such conditions as the Municipality prescribe as to the mode in which and the superintendence under which the communications are to be made between drains not vested in the Municipality and drains which are so vested.

How right to carry drain through land or into drain belonging to other persons may be obtained.

103. (*1*) If the owner or occupier of any building or land desires to connect the same with any municipal drain, by means of a drain, to be constructed through land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, he may make a written application in that behalf to the Municipality.

Such right how and on what conditions to be authorized by Municipality.

(*2*) The Municipality thereupon, after giving to such other person a reasonable opportunity of stating any objection to such application, may, if no objection is raised or if any objection which is raised is in their opinion insufficient, by an order in writing authorize the applicant to carry his drain into, through, or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation, and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the said drains as may appear to them to be adequate and equitable.

Written order of municipal authority for execution of necessary work.

(*3*) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other person employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain the compensation or rent, if any, specified in the said order, and otherwise fulfilling as far as possible the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with assistants and workmen at any time between sunrise and sunset and, subject to all provisions of this Act, to do all such work as may be necessary—

(*a*) for the construction or connection of the drain, as may be authorized by the said order,

(*b*) for renewing, repairing or altering the same, as may be necessary from time to time, or

(*c*) for discharging any responsibility attaching to him under the terms of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

Work how to be carried out.

104. In executing any work under section 103, as little damage as possible shall be done, and the owner or occupier of the buildings or lands for the benefit of which the work is done, shall—

(*a*) cause the work to be executed with the least practicable delay;

(*b*) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the said work; and

(*c*) pay compensation to any person who sustains damage by the execution of the said work.

Rights of owner of land through which drain is carried in regard to subsequent building thereon.

105. If the owner of any land into, through or under which a drain has been carried under section 103 whilst such land was unbuilt upon, shall at any subsequent time desire to erect a building thereon, the Municipality shall, if they sanction the erection of such building, by written notice require the owner or occupier of the buildings or land for the benefit of which such drain was constructed to close, remove or divert the same, and to fill in, reinstate and make good the land in such manner as they may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building.

Provision of privies, etc.

106. (*1*) In case the Municipality shall be of opinion that any privy or cesspool, or additional privies, or cesspools, should be provided in or on any building or land or, in any municipal district in which, with the approval of the sanitary board,

a water-closet system has been introduced, that water-closets should be substituted for the existing privies in or on any building or land, or that additional water-closets should be provided therein or thereon, the Municipality may by written notice call upon the owner of such building or land to provide such privies, cesspools or water-closets as the Municipality may deem proper.

(*2*) The Municipality may by written notice require any person or persons employing workmen or labourers exceeding twenty in number, or owning or managing any market, school or theatre or other place of public resort, to provide such latrines and urinals as the Municipality may direct, and to cause the same to be kept in proper order, and to be daily cleaned.

(*3*) The Municipality may by written notice require the owner or occupier of any land upon which there is a privy, to have such privy shut out, by a sufficient roof and a wall or fence, from the view of persons passing by or resident in the neighbourhood, or to alter as they may direct any privy door or trap door which opens on to any street, and which they deem to be a nuisance.

Cost of altering, repairing and keeping in proper order privies, etc.

107. (*1*) All sewers, drains, privies, water-closets, house-gullies and cesspools within municipal district shall, unless constructed at the cost of the Municipality, be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued, and the Municipality may by written notice require such owner to alter, repair, and put the same in good order in such manner as they think fit.

(*2*) The Municipality may by written notice [1][require the owner to] demolish or close any privy or cesspool, whether constructed before or after the coming in operation of this Act, which in the opinion of the Municipality is a nuisance, or is so constructed as to be inaccessible for the purpose of scavenging or incapable of being properly cleaned or kept in good order.

Power to close existing private drains.

108. When any building or land within the municipal district has a drain communicating with any cesspool or sewer, the Municipality, if they consider that such drain, though it may be sufficient for the drainage of such building or land, and though it may be otherwise unobjectionable is not adapted to the general sewerage of the district, may close such drain, and such cesspool or sewer, whether it is or is not on land vested in the Municipality, on providing a drain or drains equally effectual for the drainage of such building or land, and the Municipality may do any work necessary for the purpose.

Power in respect of sewers, etc., unauthorizedly constructed, rebuilt or unstopped.

109. The Municipality may by written notice require that any such sewer drain, privy, water-closet, house-gully or cesspool on any land within municipal limits constructed, rebuilt or unstopped—

(*a*) after such land became part of a municipal district, and

(*b*) either without the consent or contrary to the orders, directions or general regulations or by-laws of the Municipality, or contrary to the provisions of any enactment in force at the time when it was so constructed, rebuilt or unstopped,

shall be demolished, amended or altered, as they may deem fit, by the person by whom it was so constructed, rebuilt or unstopped and every person so constructing, rebuilding or unstopping any such sewer, drain, privy, water-closet, house-gully or cesspool, whether he does or does not receive such notice or does or does not comply therewith shall, in addition to any penalty to which he may be liable on account of such non-compliance, be punished with fine which may extend to twenty-five rupees.

[1] These words were inserted by Bom. 4 of 1924, s. 6.

Encroachments on municipal drains.

110. (*1*) Whoever, without the written consent of the Municipality first obtained, makes or causes to be made any drain into or out from any of the sewers or drains vested in the Municipality, shall be punished with fine which may extend to twenty-five rupees, and the Municipality may by written notice require such person to demolish, alter, remake, or otherwise deal with such drain as they may think fit.

(*2*) No building shall be newly erected or rebuilt over any sewer, drain, culvert or gutter vested in the Municipality, without the written consent of the Municipality, and the Municipality may by written notice require the person who may have erected or rebuilt such building to pull down or otherwise deal with the same as they may think fit.

Inspection of drains, etc.

111. (*1*) The Municipality or any officer appointed by them for such purposes may, subject to the restrictions of this Act, inspect any sewer, drain, privy, water-closet, house-gully or cesspool, and for that purpose, at any time between sunrise and sunset, may enter upon any lands or buildings with assistants and workmen, and cause the ground to be opened where he or they may think fit, doing as little damage as may be.

Expense of inspection when to be borne by the Municipality

(*2*) The expense of such inspection, and of causing the ground to be closed and made good as before shall be borne by the Municipality, unless the sewer, drain, privy water-closet, house-gully or cesspool is found to be in bad order or condition, or was constructed in contravention of the provisions of any enactment, or of any by-laws of the Municipality in force at the time, in which case such expenses shall be paid by the owner of such sewer, drain, privy, water-closet, house-gully or cesspool and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Municipality may execute certain works under this sub-chapter without allowing option to person concerned of executing the same.

112. (*1*) The Municipality may, if they think fit, cause any work of the nature to which this sub-chapter applies to be executed by municipal or other agency under their own orders, without first of all giving the person by whom the same would otherwise have to be executed the option of doing the same.

Expenses in such cases by whom to be paid.

(*2*) The expenses of any work so done shall be paid by the person aforesaid, unless the Municipality shall, by a general or special order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

(*3*) Any pipes, fittings, receptacles, or other appliances for or connected with the drainage of private buildings or lands shall, if supplied, constructed or erected at the expense of the Municipality, be deemed to be municipal property, unless the Municipality shall have transferred their interest therein to the owner of such buildings or lands.

(4) Powers regarding external structures, etc.

113. (*1*) The Municipality may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms, to project from any upper storey thereof, at such height from the surface of the street as the Municipality may fix by by-laws from time to time, and to an extent not exceeding four feet beyond the line of the plinth or basement wall, and may prescribe the extent to which and the conditions under which, roofs, leaves, weather-boards, [1][shop-boards] and the like may be allowed to project over such streets. Permission necessary for certain projections.

[2][(*2*) (*a*)] Any such owner or occupier putting up any such projections as aforesaid without such permission or in contravention of such orders, shall be punished with fine which may extend to twenty-five rupees, and if any such owner or occupier, fails to remove any such projection as aforesaid in respect of which he has been convicted under this section, he shall be punished with further fine which may extend to five rupees for each day on which such failure or neglect continues.

[3][(*b*) Notwithstanding any proceedings which may be taken under clause (*a*) of this sub-section, the Municipality may, by written notice, require the owner or occupier of any such building to remove or alter any such projection which has been constructed either without, or contrary in any manner to, the permission of the Municipality.]

(*3*) The Municipality may by written notice require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction which, whether erected before or after the site of such building became part of a municipal district, shall have been erected or placed against or in front of such building, and which— Removal of projections.

(*a*) overhangs or juts into, or in any way projects or encroaches upon, any public street, so as to be an obstruction to safe and convenient passage along such street, or which

(*b*) projects and encroaches into or upon any uncovered aqueduct, drain or sewer in such street, so as to obstruct or interfere with such aqueduct, drain or sewer, or the proper working thereof :

Provided always that the Municipality shall, if such projection, encroachment, or obstruction shall have been made in any place before the date on which such place became part of a municipal district, or after such date with the written permission of the Municipality, make reasonable compensation to every person who suffers damage by such removal or alteration ; and if any dispute shall arise touching the amount of such compensation, the same shall be ascertained and determined in the manner provided in section 160.

114. The Municipality may by written notice require the owner of every building in any street to put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such building, and for discharging the same, in such manner as they may think fit, so that it shall not fall upon the persons passing along the street. Troughs and pipes for rain water.

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[1] These words were inserted by s. 8 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. 4 of 1904).

[2] Sub-section (*2*) was renumbered as sub-section (*2*) (*a*) by Bom. 26 of 1930, s. 9.

[3] Clause (*b*) was inserted, *ibid.*

Fixing of brackets, etc., to houses.

115. The Municipality may erect or fix to the outside of any building brackets for lamps to be lighted with oil or gas, or subject to the provisions of the [1]Indian Electricity Act, 1887, for lamps to be lighted with electricity or otherwise, or subject to the provisions of the [2]Indian Telegraph Act, 1885, as amended by subsequent enactments, for telegraph wires or telephonic wires, or for the conduct of electricity for locomotive purposes or such pipes as they may deem necessary for the proper ventilation of sewers and water-works, and such brackets and pipes shall be erected so as not to occasion any inconvenience or nuisance to the said building or any others in the neighbourhood. XIII of 1887. XIII of 1885.

Naming streets and numbering houses.

116. (*1*) The Municipality may from time to time cause to be put up or painted on a conspicuous part of any building at or near each end, corner or entrance to every street, the name by which such street is to be known, and may from time to time fix a number in a conspicuous place on the outer side of any building, or at the entrance of the enclosure thereof fronting the street.

(*2*) Any person who destroys, pulls down or defaces any such name or number or puts any name or number different from that put up by the Municipality, and any owner or occupier of any building who shall not at his own expense keep such number in good order after it has been put up thereon, shall be punished with fine which may extend to twenty-five rupees.

Penalty for defacing building, etc.,

117. Any person

(*a*) who without the consent of the owner or occupier affixes any posting bill, placard or other paper or means of advertisement against or upon any building, wall, board, fence or pale, or

(*b*) who without such consent as aforesaid writes upon, soils, defaces or marks any such building, wall, board, fence or pale with chalk or paint or in and other way whatsoever,

shall be punished with fine which may extend to twenty rupees.

Removal and trimming of hedges, trees, etc.,

118. The Municipality may by written notice require the owner or occupier of any land so to trim or prune the hedges thereof bordering any public street that the said hedges may not exceed the height of four feet from the level of the street, and width of four feet, and to cut down, lop, or trim all trees or shrubs which in any way overhang, endanger or obstruct, or which they deem likely to overhang, endanger, or obstruct any public street or to cause damage thereto, or which so overhang any public tank, well, or other provision for water-supply as to pollute, or be likely to pollute, the water thereof.

(*5*) *Powers for promotion of public health, safety and convenience.*

Ruinous or dangerous buildings.

119. (*1*) If any building, or anything affixed thereon, be deemed by the Municipality to be in a ruinous state or likely to fall or in any other way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof, or to passengers, the Municipality shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers; all expenses incurred by the Municipality under this sub-section shall be paid by the owner or occupier of such building and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

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[1] *See* now the Indian Electricity Act, 1910 (9 of 1910), Central Acts.
[2] Central Acts.

(2) The Municipality shall also cause notice in writing to be given to the owner or occupier, requiring such owner or occupier forthwith to take down, secure, or repair such building, or thing affixed thereon, as the case shall require, and if such owner or occupier do not begin to repair, take down, or secure such building or thing within three days after the service of such notice, and complete such work with due diligence, the Municipality shall cause all or so much of such building or thing, as they shall think necessary, to be taken down, repaired or otherwise secured : Action to be taken on default by owner or occupier.

Provided always that if the danger be not of hourly imminence, it shall be at the discretion of the Municipality, instead of themselves causing a hoard or fence to be put up, to issue in the first instance notice in writing to the owner or occupier to put up a proper hoard or fence, and in the event of the owner or occupier failing to put up within two days from the service of such notice a hoard or fence which the Municipality consider sufficient in the circumstances of the case Municipality shall at once cause such hoard or fence to be put up and thereafter proceed as provided in sub-sections (1) and (2). Proviso if danger is not imminent.

120. (1) The Municipality may at any time by written notice require that the owner of, or any person who has the control over, any well, stream, channel, tank or other source of water-supply, shall, whether it is private property or not, Powers and duties with regard to dangerous, stagnant or insanitary sources of water-supply.

(a) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(b) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(c) in such manner as the Municipality prescribe, protect any such source of water-supply from pollution by surface drainage, or

(d) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Municipality approve, any such source of water-supply other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure, such source of water-supply is in the opinion of the Municipality dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same, or shall

(e) desist from using and from permitting others to use for drinking purposes any such source of water-supply which not being a stream in its natural flow, is proved to the satisfaction of the Municipality to be unfit for drinking : or

(f) if notwithstanding any such notice under clause (e) such use continues and cannot in the opinion of the Municipality be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the Municipality consider sufficient to prevent such use, such source of water-supply as aforesaid ;

(g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Municipality consider is injurious to health or offensive to the neighbourhood.

(2) If the owner or person having control as aforesaid, fails or neglects to comply with any such requisition within the time required by or under the provisions of sub-section (1), the Municipality may, and if in their opinion immediate action is necessary to protect the health or safety of any person, shall at once proceed to execute the work required by such notice, and all the expenses incurred therein by the Municipality shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII : Remedy on non-compliance with directions issued.

Provided that in the case of any well or private stream or of any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by the Municipality or necessarily incurred by such owner or person having such control, may, if the Municipality so direct, be paid from the municipal fund.

Displacing pavements, etc.

121. (*1*) Whoever displaces, takes up or makes any alteration in the pavement, gutter, flags or other materials, of any public street, or the fences, walls, or posts thereof, or any municipal lamp, lamp-post, bracket, water-post, hydrant, or other such municipal property therein, without the written consent of the Municipality, or other lawful authority, shall be punished with fine which may extend to one hundred rupees.

Penalty for failure to replace after notice.

(*2*) Any person who, having displaced, taken up or made alteration in any such pavement, gutter, flags, or other materials, or in the fences, walls, posts, municipal lamps, lamp-posts, brackets, water-posts, hydrants, or other municipal property of any public street, shall fail to replace or restore the same to the satisfaction of the Municipality after notice to do so, shall be punished with fine which may extend to fifty rupees, and shall pay any expense which may be incurred in restoring the street, and such expense shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Obstructions and encroachments upon public streets and open spaces.

122. (*1*) Whoever in any place after it has become a municipal district, shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer or aqueduct in such street, shall be punished with fine which may extend to twenty-five rupees [1][and with further fine which may extend to five rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction for such offence.]

(*2*) The Municipality shall have power to remove any such obstruction or encroachment, and shall have the like power to remove any unauthorized obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the Municipality or not, provided that if the space be vested in His Majesty the permission of the Collector shall have first been obtained, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(*3*) Whoever, not being duly anthorised, in that behalf, removes earth, sand or other material from, or makes any encroachment in or upon, any open space which is not private property, shall be punished with fine which may extend to fifty rupees, and, in the case of an encroachment, with further fine which may extend to ten rupees for every day on which the encroachment continues after the date of first conviction for such offence.

(*4*) Nothing contained in the section shall prevent the Municipality from allowing any temporary occupation of or erections in any public street on occasions of festivals and ceremonies, or the piling of fuel in by-streets and spaces for not more than four days, and in such manner as not to inconvenience the public or any individual.

[1] These words were added by Bom. 26 of 1930, s. 10.

[1][(5) Nothing contained in this section shall apply to any projection duly authorized under sub-section (*1*) of section 113, or in any case where permission has been given under sub-section (*4*).]

123. (*1*) Every person intending to build or take down any building, or to alter or repair the outward part of any building, in such a position or in such circumstances as the work is likely to cause or may cause obstruction, danger or inconvenience in any street, shall before beginning such work, **Hoards to be set up during repairs, etc.**

(*a*) first obtain a licence in writing from the Municipality so to do, and

(*b*) cause sufficient hoards or fences to be put up in order to separate the building where such works are being carried on from the street and shall maintain such hoard or fence standing and in good condition to the satisfaction of the Municipality during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night, and shall remove the same when directed by the Municipality.

(*2*) Whoever contravenes any of the provisions of this section shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

124. (*1*) The Municipality shall, during the construction or repair of any of the streets, sewers, drains or other premises vested in them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining buildings and shall cause such bars, chains or posts, to be fixed across or in any of the streets to prevent the passage of carriages, carts, or other vehicles, or of cattle or horses, while such works are carried on, as to them shall seem proper ; and the Municipality shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be lighted with a sufficient light and guarded during the night. **Fencing and lighting during repairs, etc.**

(*2*) Whoever, takes down, alters or removes any of the said bars, chains or posts, or removes or extinguishes any such light, without the authority or consent of th Municipality, shall be punished with fine which may extend to fifty rupees.

125. (*1*) No person shall, without the written permission of the Municipality or otherwise than in accordance with such conditions as may therein be prescribed, make a hole in any street or erect or deposit thereon, any timber, stone, brick, earth or other material that has been, or is intended to be, used for building ; and such permission shall be terminable at the discretion of the Municipality ; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, to the satisfaction of the Municipality, and shall cause the same to be sufficiently lighted during the night. **Timber not to be deposited or hole made in a street without permission**

(*2*) Whoever contravenes any of the provisions of sub-section (*1*) shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to ten rupees for every day or night, as the case may be, on which such contravention continues, after the date of the first conviction.

126. [2]* If in the opinion of the Municipality the working of any quarry or the removal of stone, earth or other material from the soil in any place, is dangerous to **Dangerous quarrying.**

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[1] Sub-section (*5*) was added by s. 9 of the Bombay District Municipal (Amendment) Act, 1904 (Bom. 4 of 1904).

[2] The figure "(1)" was deleted by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

persons residing in or having legal access to the neighbourhood thereof, or creates or is likely to create a nuisance, the Municipality may, by written notice, require the owner of the said quarry or place, or the person responsible for such working or removal, not to continue or permit the working of such quarry or the removing of such material, or to take such order with such quarry or place as the Municipality shall direct for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom :

Provided that if such quarry or place is vested in His Majesty, or if such working thereof or removal therefrom as aforesaid is being carried on by or on behalf of [1][any Government], or any person acting with the permission or under the authority of [1][any Government] or of any [2][servant of the Crown] acting as such, the Municipality shall not take such action unless and until the Collector has consented to their so doing :

Provided further that the Municipality shall immediately cause a proper hoard or fence to be put up for the protection of passengers near such quarry or place, if in any case referred to in this [3][section] it appears to them to be necessary in order to prevent imminent danger, and any expense incurred by the Municipality in taking action under this section shall be paid by such owner or other person as aforesaid, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

(6) Powers for the prevention of nuisances.

Depositing dust, etc.

127. *(1)* Whoever deposits, or causes or suffers any member of his family or household to deposit any dust, dirt, dung, ashes, garden, kitchen or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthen-ware or other rubbish, or any other thing that is or may be a nuisance, in any street or in any arch under a street, or in any drain beside a street or on any open space or on any quay, jetty or landing-place, or on any part of the sea-shore or the bank of a tidal river, whether above or below highwater mark, or on the bank of any river, water-course or nullah, except at such places, in such manner, and at such hours as shall be fixed by the Municipality, and whoever commits, or suffers any member of his family or household to commit nuisance in any such place as aforesaid, shall be punished with fine which may extend to twenty-five rupees.

(2) Whoever throws or puts, or causes or suffers any member of his household to throw or put, any of the matter above described, or, except with the permission of the Municipality, any night-soil into any sewer, drain, culvert, tunnel, gutter or water-course, and whoever commits nuisance, or suffers any member of his family to commit nuisance, in any such drain, culvert, tunnel or water-course, or in such close proximity thereto as to pollute the same, shall be punished with fine which may extend to twenty-five rupees.

Discharging sewage, etc.,

128. Whoever causes or allows the water of any sink or sewer, or any other liquid or other matter which is, or which is likely to become offensive from any building or land under his control, to run, drain, or be thrown or put upon any street or open space, or to soak through any external wall, or causes or allows any offensive matter from any sewer or privy to run, drain or be thrown into a surface drain in

[1] The words "any Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "servant of the Crown" were substituted for the words "officer of Government", *ibid.*

[3] This word was substituted for the word "sub-section" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

any street, without the permission in writing of the Municipality, or who fails to comply with any condition prescribed in such permission, shall be punished with fine which may extend to twenty-five rupees.

129. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter, in or upon such building or land, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth from, and to cleanse and purify such receptacle, or keeps or allows to be kept in or upon such building or land any animal in such a way as to cause a nuisance, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees, for every day on which such offence is continued, after the date of the first conviction. Non-removal of filth, etc.

130. (*1*) The Municipality may from time to time fix the hours within which only it shall be lawful to remove any night-soil or other such offensive matter. Removal of night-soil.

(*2*) Whoever,

(*a*) when the Municipality have fixed such hours, and given public notice thereof by beat of drum, removes, or causes to be removed, along any street any such offensive matter at any time except within the hours so fixed, or

(*b*) at any time, whether such hours have been fixed by the Municipality or not,

(*i*) uses for any such purpose any cart, carriage, receptacle or vessel not having a covering proper for preventing the escape of the contents thereof, and of the stench therefrom, or

(*ii*) wilfully or negligently slops or spills any such offensive matter in the removal thereof, or

(*iii*) does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

(*iv*) places or sets down in any public place any vessel containing such offensive matter, or

(*v*) drives or takes or causes to be driven or taken any cart, carriage, receptacle or vessel used for any such purpose as aforesaid, through any street or by any route, other than such as shall from time to time be appointed for that purpose by the Municipality by public notice,

shall be punished with fine which may extend to twenty-five rupees.

131. (*1*) Whoever, being the owner or occupier of any building or land, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state or in the opinion of the Municipality a nuisance to persons residing in the neighbourhood, or overgrown with prickly-pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing by the Municipality to cleanse, clear or otherwise put the same in a proper state have complied with the requisition contained in such notice, shall be punished with fine which may extend to twenty-five rupees, and with further fine which may extend to five rupees for every day on which the failure to comply with the said notice is continued, after the date of the first conviction. Filthy buildings, etc.

(*2*) Should the state of the building be such as in the judgement of the Municipality to render it unfit for human habitation, they may further by written notice prohibit the using thereof for that purpose until it is so rendered fit.

Deserted and offensive buildings.

(3) If any building, by reason of dilapidation, neglect, abandonment, disuse or disputed ownership, or of its remaining untenanted and thereby,

(a) becoming a resort of idle and disorderly persons, or of persons who have no ostensible means of subsistence, or who cannot give a satisfactory account of themselves, or

(b) coming into use for any insanitary or immoral purpose, or

(c) affording a shelter to snakes, rats or other dangerous or offensive animals,

is open to the objection that it is a nuisance, or so unwholesome or unsightly as to be a source of discomfort, inconvenience or annoyance to the neighbourhood or to persons passing by such building, the Municipality, if they consider such objection cannot under any other provision of this Act be otherwise removed, may, if there is any person known or resident within the municipal district who claims to be the owner of such building, by written notice directed to such person, require such person or in any other case by written notice fixed on the door or any other conspicuous part of the building, require all persons claiming to be interested in such building, within a period which shall be specified in the notice and shall not be less than seven days from the date of such notice, to cause such building to be taken down and the materials thereof to be removed, and in the event of non-compliance with such requirement, the Municipality, on the expiration of the period specified as aforesaid, may forthwith cause the building to be taken down and the materials to be removed, and may sell such materials and apply the proceeds to defray any expenses incurred by them in so doing, and all such expenses not thereby defrayed shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

Power to enter and inspect, etc., buildings.

132. It shall be lawful for the president, vice-president, or any councillor or officer authorized by the Municipality in this behalf, at any time between sunrise and sunset, on giving such notice as hereinafter provided, to enter into and inspect all buildings and lands, and by written notice to direct all or any part thereof to be forthwith internally and externally lime-washed or otherwise cleansed for sanitary reasons.

Bathing places.

133. (1) The Municipality may set apart sufficient public places, or any part of the sea-shore, not being private property, for the purpose of being used as bathing places, and may also provide or set apart a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and may also set apart tanks or reservoirs or runs of water for washing animals or clothes, and for all purposes connected with the health, cleanliness and comfort of the inhabitants, and may prohibit the use, for any purpose mentioned in this section, of any or all other public places within the municipal district.

(2) Copies of all orders passed and notices issued by the Municipality and for the time being in force under this section, shall be kept at the municipal office and shall be open for inspection by the public at all reasonable times.

Regulation of washing of clothes by washermen.

[1][**133A.** (1) The Municipality may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as it shall appoint for this purpose; and when any such prohibition has been made, no person who is, by calling, a washerman shall wash clothes at any place not appointed for this purpose by the Municipality, except for such person himself or for the owner or occupier of such place.

[1] Section 133A was inserted by Bom. 12 of 1931, s. 2 (*viii*).

(*2*) The Municipality shall provide suitable places for the exercise by washermen of their calling and may require payment of such fees for the use of any such place as shall from time to time be determined by it. Washing place to be provided by the Municipality for washermen.

(*3*) The Municipality shall, before issuing any public notice under sub-section (*1*), publish in such manner as shall in its opinion be sufficient, for the information of persons likely to be affected thereby, a list of washing places proposed to be provided under sub-section (*2*), together with a notice specifying a date on or after which the list will be taken into consideration ; and shall, before finally fixing the said places, receive and consider any objection or suggestion in respect thereto which may be made in writing by any person before the date so specified.]

134. (*a*) Whoever, in disobedience of any order of the Municipality under section 133, or of any by-laws, bathes in any stream, pool, tank, reservoir, well, cistern, conduit or acqueduct belonging to the Municipality, or washes, or causes to be washed therein, any animal or anything whatever, or throws, puts or casts or causes to enter therein any animal or anything or causes or suffers to run, drain or be brought thereinto anything that is, or may become, a nuisance, or does anything whatsoever whereby any water therein shall be in any degree fouled or corrupted, and Fouling water.

(*b*) whoever without permission of the Municipality, steeps in any tank, stream, or ditch within, or on the boundary of, the municipal district any animal, vegetable or mineral matter likely to render the water of such tank, stream or ditch offensive or a nuisance,

shall be punished with fine which may extend to fifty rupees.

135. When any pool, ditch, tank, pond, well, whole or any waste or stagnant water, or any channel or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise, shall appear to the Municipality to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Municipality may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall, in their opinion, be necessary to abate or remove the nuisance. Abatement of nuisances.

136. Whoever, except with the written permission of the Municipality, and in the way, if any, enjoined in such permission, stores or uses night-soil or other manure or substance emitting an offensive smell, shall be punished with fine which may extend to twenty-five rupees. Using offensive manure etc.

137. Whoever tethers cattle or other animals, or causes or suffers them to be tethered by any member of his family or household, in any public street or place so as to obstruct or endanger the public traffic therein, or to cause a nuisance, or who causes or suffers such animals to stray about without a keeper, shall be punished with fine which may extend to twenty-five rupees. Tethering cattle, etc.

[1][**137A.** Whoever feeds any animal which is kept for dairy purposes or is intended for human food on excrementitious matter, stable-refuse, filth or other offensive matter, or permits such animal to feed or to be fed on such matter, shall be punished with fine which may extend to fifty rupees.] Feeding animals on filth.

138. (*1*) It shall be lawful for the Municipality to direct by public notice that every furnace employed, or to be employed, in any works or buildings used for the purpose of any trade or manufacture whatsoever within the limits of the municipal district, whether a steam-engine be or be not used or employed therein, Consumption of smoke.

[1] Section 137A was inserted by s. 22 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

shall in all cases be constructed, supplemented or altered so as to consume or burn, or reduce as far as may be practicable, the smoke arising from such furnace.

(2) If any person shall after such direction use, or permit to be used, any such furnace not so constructed, supplemented, or altered, or shall so negligently use, or permit to be used, any such furnace as that the smoke arising therefrom shall not be effectually consumed or burnt as far as may be practicable, every person so offending, being the owner or occupier of the said works or buildings, or being an agent or other person employed by such owner or occupier for managing the same, shall be punished with fine which may extend to fifty rupees, and upon any subsequent conviction to five hundred rupees :

Provided that nothing in this section shall be held to apply to locomotive engines used for the purpose of traffic upon any railway or for the repair of roads.

(7) *Regulation of markets, sale of food, etc.*

Licensing markets and slaughter-houses.

139. (1) It shall be lawful for the Municipality to direct that no place shall be used as a market for the sale of animals, meat, fish, fruit or vegetables intended for human food, or as a slaughter-house, excepting the public markets or slaughter-houses constructed or opened by the Municipality, or such other markets or slaughter-houses as may have been licensed in writing by the Municipality, who may, at their discretion from time to time, grant, suspend, withhold or withdraw such licences, either generally or in individual instances.

(2) No person shall, in any municipal district in which by-laws are in force prescribing the conditions on and subject to which, and the circumstances in which, licences for shops for the sale of such commodities may be granted, refused, suspended or withdrawn, use without a licence from the Municipality granted in accordance with by-laws made under clause (b) of sub-section (1) of section 48 any place as a shop for the sale of animals, meat or fish, intended for human food, except in a municipal or licensed market.

(3) Whoever, contrary to such direction or without the licence required as aforesaid, or otherwise than in accordance with the conditions on or subject to which such licence was granted, sells or exposes for sale any such animals or commodities, or uses or permits the use of a place as a shop for the sale thereof or uses any place as a slaughter-house, shall be punished with fine which may extend to twenty-five rupees.

(4) Upon a conviction being obtained in respect of any place which has, without, or during the suspension or after the withdrawal of, a licence, been used or permitted to be used as a shop for such sale as aforesaid, the Magistrate shall, on the application of the Municipality, but not otherwise, order such place to be closed, and thereupon appoint persons, or take other steps, to prevent such place being so used, and every person, who so uses or permits the use of a place after it has been so ordered to be closed, shall be punished with a fine which may extend to five rupees for each day during which he continues so to use, or permit such use of, the place after it has been so ordered to be closed.

(5) Nothing contained in this section shall apply to the use of any hotel or eating house for the sale of food served for consumption on the premises.

Opening, closing and letting of markets and slaughter-houses.

140. (1) The Municipality may from time to time open or close any public market or slaughter-house. They may also either take stallage or other rents or fees for the use by any person of any such market or slaughter-house, or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughter-house.

(2) Any person who, without the permission or licence of the Municipality, shall sell or expose for sale any article in the said markets or use the said slaughter-houses, shall be punished with fine which may extend to twenty-five rupees.

Slaughter-houses, etc., beyond municipal limits.

141. It shall be lawful for the Municipality, with the sanction of the Commissioner or, if authorized by him, of the Collector, to establish slaughter-houses or places for the disposal of carcasses of animals, beyond the limits of the municipal district, and all provisions of this Act and of by-laws in force thereunder relating to such places within municipal limits, shall have full force therein, as if such places were within the municipal limits.

Search for and inspection of unwholesome articles.

142. (*1*) The president, vice-president or any councillor or officer authorized by the Municipality in this behalf—

(*a*) may at all reasonable times enter into any place for the purpose of inspecting, and may inspect, any animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter or other articles intended for human food or drink or for medicine, whether exposed or hawked about for sale, or deposited in, or brought to, any place for the purpose of sale or of preparation for sale, or may enter into and inspect any place used as a slaughter-house, and may examine anything which may be therein ; and

(*b*) in case any such animals, carcasses, or other articles before mentioned appear to be diseased or unsound or unwholesome or unfit for human food or drink or medicine may seize the same.

Any article which is of a perishable nature may, under the orders of the president, vice-president or chairman of the managing committee or of a committee appointed under section 29 to exercise all or any of the powers vested in the Municipality under this sub-chapter [1][or of the Municipal Commissioner, if any,] if in his opinion it is diseased, unsound, unwholesome or unfit for food, drink and medicine, forthwith be destroyed.

Every animal and every article which is not of a perishable nature, if seized as aforesaid, shall be taken before a Magistrate.

If it appear to the Magistrate upon sufficient evidence that any such article is diseased or unsound or unwholesome or unfit for human food, drink or medicine, the owner or person in whose possession it was found, not being merely bailee or carrier thereof, shall, if in such case the provisions of section 273 of the [2]Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees, and the Magistrate shall cause such article to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink or medicine.

XLV of 1860

Adulterated articles for food or drink.

[3](2) In every municipal district in which this sub-section is, by virtue of a notification [4][issued] under the Bombay Prevention of Adulteration Act, 1899, [5][as if the sub-section were part of section 5 of that Act,] for the time being in force, and applicable to food of all kinds or of any specified kind,

Bom. II of 1899.

if any article to which this sub-section is applicable as afosesaid, is intended for food or drink, and is in any place mentioned in sub-section (*1*), the president, vice-president or officer authorized as aforesaid, in case such article appears not

[1] These words were inserted by s. 23 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[2] Central Acts, Vol. I.

[3] On coming into operation of the provisions of the Bombay Prevention of Adulteration Act, 1925 (Bom. 5 of 1925), in any local area in respect of any article of food, sub-section (2) shall be deemed to be repealed in that area in respect of such article. (See section 20 and Schedule B of Bom. 5 of 1925).

[4] This word was inserted by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

[5] These words and figure were inserted, *ibid.*

what it is represented to be, may seize the same, and if it appears to a Magistrate upon sufficient evidence that such article is not what it is represented to be, such Magistrate may order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for food or drink, and the owner thereof or the person in whose possession the same was found, not being merely carrier or bailee thereof, shall, if in such case the provisions of section 273 of the [1]Indian Penal Code do not apply, be punished with fine which may extend to one hundred rupees. XLV of 1860.

Explanation.—If such article having been exposed or stored in, or brought to any place mentioned in sub-section (*1*) for sale as ghee, contains any substance not exclusively derived from milk, it shall be deemed to be, for the purposes of this sub-section, an article which is not what it is represented to be:

Protection to persons acting in good faith.

Provided that when any article of food referred to in this sub-section appears to the Magistrate not to be what it it is represented to be, solely by reason of the fact that there has been added to it some substance not injurious to health, no offence shall be deemed to have been committed by the owner of the article or the person in whose possession the same is found, if such owner or person proves to the satisfaction of the Magistrate—

(*a*) that such substance has been added to the article of food, because the same is required for the production or preparation thereof, as an article of commerce in a state fit for carriage for consumption, and not fraudulently to increase the bulk, weight, or measure of the food or conceal the inferior quality thereof, or

(*b*) that in the process of production, preparation or conveyance of such article of food, the extraneous substance has unavoidably become intermixed therewith, or

(*c*) that, by a label distinctly and legibly written or printed on or with the said article of food or by other means of public description, he has given sufficient notice that such substance has been so added, or

(*d*) that—

(*i*) the said article was purchased by him with a written warranty that it was of a certain nature, substance and quality,

(*ii*) he had no reason to believe that it was not of such nature, substance and quality as aforesaid, and

(*iii*) it was not exposed, hawked about, or brought for sale by him otherwise than as an article of the nature, substance and quality specified in the written warranty, and was in the same state in which he purchased it.

Application for summons to be refused if not applied for within reasonable time.

(*3*) In all prosecutions under this section the Magistrate shall refuse to issue a summons for the attendance of any person accused of an offence against its provisions unless the summons is applied for within a reasonable time from the alleged date of the offence of which such person is accused.

False weights and measures.

[2]**143.** The president, vice-president, or any councillor[3] or officer authorized by the Municipality in this behalf, may at all reasonable times enter into any place used

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[1] Central Acts Volume I.

[2] On coming into force of Part VI of the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932) in any area, for section 143, the following shall be substituted, namely :—

"143. *Powers of inspection of weights and measures, etc.*—The president, vice-president, or any councillor or officer authorised by the municipality in this behalf may at all reasonable times enter into any place *[(other than a place prescribed by rules made under the Bombay Weights and Measures Act, 1932)], where weights or measures or weighing or measuring instruments are used or kept for purposes of trade and inspect such weights or measures or weighing or measuring instruments."

See S. 47, II Sch. of Bom. 15 of 1932.

* These words, figures and brackets were inserted by Bom. 9 of 1935, s. 6.

[3] The comma after the word "councillor" was omitted by s. 24 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

for the sale of articles used for human food, and inspect the weights and measures in use, and if the person in charge be found in possession of any false or defective weights or measures, or of weights and measures by the use of which the public may be defrauded, he shall be punished with fine which may extend to two hundred and fifty rupees.

(8) Prevention of dangerous diseases.

Powers which may at any time be conferred.

144. (*1*) The [1][Provincial Government] [2][in the case of City Municipalities, and the Commissioner in other cases,] may at any time confer by notification on any Municipality designated therein, all or any of the powers specified in sub-section (*2*) ,and such Municipality shall, subject to all such limitations, restrictions, and conditions, if any, as the [1][Provincial Government] [2][or the Commissioner, as the case may be,] in the same or in any subsequent notification may prescribe in such behalf, exercise within the municipal district every power so conferred on them, for such period as may be specified in this behalf in any such notification, or if no period is so specified then until such power is withdrawn.

(*2*) The powers, all or any of which may be conferred under the preceding sub-section, are :—

(*a*) power by orders, which may be either of special or general application, to direct that every medical practitioner, who knows or may have reason to believe that any person whom he has visited in his professional capacity in any dwelling not being a hospital, or that every manager of any factory or educational institution, or every head of a household, who knows or has reason to believe that any person who resides in any dwelling under the management or control of any such manager or head of a household, is suffering from any illness which may reasonably be supposed to be a dangerous disease, shall give information of the same with the least practicable delay to such person as may be designated by the Municipality in that behalf ;

(*b*) power to direct or authorize the inspection, without notice, or with such notice as to the person directed or authorized to inspect, appears reasonable, any place in which any dangerous disease is reported or suspected to exist, and the taking of measures to prevent the spread of the disease beyond such place ;

(*c*) power to prohibit the removal of water for the purpose of drinking from any well, tank or other place which may appear to the Municipality, on the advice of a medical officer, likely to engender or cause the spread of any dangerous disease ;

(*d*) power to direct or cause the removal, on a certificate signed by any duly qualified medical practitioner authorized by the Municipality in this behalf, of any person who is without proper lodging or accommodation, or who is lodged in a room or set of apartments occupied by more than one family, and who is suffering from a dangerous disease, to any hospital or place at which persons suffering from the said disease are received for medical treatment ;

(*e*) power to require by written notice the owner or occupier of any building or part of a building, or a person owning or in charge of any article therein, to

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were inserted by Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

cleanse or disinfect such building or part thereof or article, either at his own expense or in case of poverty, or for other cause which the Municipality in the circumstances of the case consider reasonable, at the expense of the Municipality ;

(*f*) power to provide the means, and to prescribe places, for disinfecting or washing bedding or other articles which have been exposed to infection from any dangerous disease, and to direct the destruction thereof ;

(*g*) power—

(*i*) to provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease, and

(*ii*) when such provision is made, to prohibit the conveyance of such persons in all or any public conveyances, and

(*iii*) to direct that any conveyances that may at any time be used for conveying any such person shall be immediately disinfected ;

(*h*) power to prohibit—

(*i*) any person suffering from any dangerous disease from wilfully exposing himself, without proper precautions against spreading the said disease, in any street or in any school or factory, or in any inn, dharamshala, theatre, market or other place of public resort, or

(*ii*) any person in charge of any person so suffering from so exposing such sufferer ;

(*i*) power to prohibit any person from removing to another place, or transferring to another person, except for the purpose of disinfection, any article which the person prohibited knows, or has reason to believe, has been exposed to infection of any kind whatsoever from any dangerous disease ;

(*j*) power to prohibit the letting of or the providing of accommodation in any hotel, inn, dharamshala or serai, in which a person has, or in which there is reason to believe that a person has, been suffering from a dangerous disease, unless and until the person desiring so to let or provide accommodation shall have had the building, or part thereof, and any article therein likely to retain infection, disinfected to the satisfaction of the Municipality or of such officer as the Municipality appoint in this behalf ;

(*k*) power, with the previous permission in each case of a Magistrate exercising not less than second class powers, to destroy any insanitary huts or sheds in which there is reason to believe that persons have been suffering from dangerous disease.

(*3*) The Municipality may, in their discretion, give compensation to any person who sustains substantial loss by the destruction of any property under this section, but, except as allowed by the Municipality, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

Penalties for disobedience to an order passed in exercise of such powers.

(*4*) Any person who in a municipal district disobeys any order which is for the time being in force therein, and which has been passed by the Municipality in exercise of any power conferred on such Municipality under this section, or obstructs any officer of the Municipality or other person acting under the authority of the Municipality in carrying out executively any such order, shall be punished with fine which may extend to two hundred rupees.

145. (*1*) In the event of the municipal district or any part thereof being at any time threatened or visited with an outbreak of any dangerous disease the Municipality shall take all such measures as they deem necessary for the purpose of preventing, meeting, mitigating or suppressing such outbreak. Duties of Municipality on threatened or actual outbreak of dangerous disease.

(*2*) In such event as aforesaid the [1][Provincial Government] [2][in the case of City Municipalities, and the Commissioner in other cases], may by special notification, declaring that such municipal district is threatened or visited with an outbreak of a dangerous disease, confer on the Municipality all or any of the additional powers specified in the following sub-section, and such Municipality shall, subject to such limitations, restrictions and conditions, if any, as the [1][Provincial Government] [2][or the Commissioner, as the case may be] in the same or in any subsequent notification may prescribe, exercise every such power so conferred on them until the same is withdrawn by means of a like notification.

(*3*) The powers all or any of which may be conferred under the preceding sub-section are—

(*a*) power to order, subject, to the conditions,

(*i*) that the permission of a Magistrate exercising not less than second class powers shall be in each case first obtained, and

(*ii*) that accommodation for all persons to whom the order refers is available, or shall be provided, elsewhere,

the evacuation of an infected building used as a dwelling, or of any part thereof, or of any building so used adjacent to such building, by the person or persons residing, whether habitually or temporarily, therein;

(*b*) power to direct the examination by a medical officer of persons, and if necessary, the disinfection of the clothing, bedding or other suspicious articles belonging to persons, either arriving from places outside the municipal district or residing in any building adjacent to any infected building, and to direct that any such person shall give his address and present himself daily for medical examination at such time and places as may be prescribed, for a period not exceeding ten days;

(*c*) power to prohibit either generally, or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private, or in any circumstances, or for any purpose, if in the opinion, recorded in writing, of the Civil Surgeon of the district or other medical officer appointed by the [1][Provincial Government] on this behalf, such assemblages in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

(*4*) The Municipality may in their discretion give compensation to any person who sustains substantial loss by the destruction of any property under this section; but except as allowed by the Municipality, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers specified therein.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were inserted by Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

Penal clauses.

(5) If in any municipal district in which such declaration under sub-section (2) as aforesaid is for the time being in force, any person —

(a) knowingly disobeys any order which for the time being is in force in such district and which has been passed by the Municipality in exercise of any power conferred on them under section 144 or under this section, or

(b) obstructs any officer of the Municipality or other person acting under the authority of the Municipality in carrying out executively any such order,

such person shall be punished with fine which may extend to one thousand rupees.

Withdrawal and modification of powers and orders.

146. (1) The [1][Provincial Government] [2][or the Commissioner as the case may be] may at any time

(a) withdraw any power conferred under section 144 or under section 145;

(b) cancel or modify any limitation, restriction or condition prescribed in respect of any such powers; or

(c) cancel any order passed by a Municipality in exercise of any such power.

(2) Every order passed by a Municipality in exercise of any such power as aforesaid shall, on the withdrawal of such power, cease to be in force in the municipal district.

Duties of Municipality in respect of diseases among cattle, sheep or goats.

147. If in any municipal district any infectious disease amongst cattle, sheep or goats breaks out, or if the introduction of any such disease appears to be likely, the Municipality shall take all such measures as they deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or introduction thereof.

Proceedings to abate the overcrowding of the interiors of buildings.

148. (1) Whenever the Municipality consider the interior of a building is so overcrowded as to be, or to be likely to become, dangerous or prejudicial to the health of the inhabitants of that or of any neighbouring building, the Municipality may cause proceedings to be taken before a Magistrate of the first class for the purpose of obtaining an order to prevent such overcrowding.

Procedure of Magistrate.

(2) Such Magistrate may, on the production of a certificate by a medical officer stating his opinion that the overcrowding complained of is likely to cause disease, or risk of disease, and after such further inquiry, if any, as may appear to such Magistrate necessary require the owner of the building within a reasonable time, not being more than six weeks or less than ten days, to abate the number of lodgers, tenants or other inmates of the said building to such extent as he shall deem necessary to prescribe, or may pass such other order as he shall deem just and proper.

(3) If the owner of the said building shall have sublet the same, the landlord of the lodgers, tenants, or other actual inmates of the same shall for the purposes of this [3][section] be deemed to be the owner of the building.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were inserted by s. 2, Sch. I, Pt. II of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[3] This word was substituted for the word "sub-section" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

(*4*) It shall be incumbent on any owner, to whom a requisition is issued under sub-section (*2*), forthwith to give to so many of the lodgers, tenants or other actual inmates of the said building as may be necessary to fulfil the conditions prescribed thereby, written notice to vacate the said building within the period specified in such requisition, and any such lodgers, tenants or inmates receiving such notice shall be bound to comply therewith.

(*5*) Any owner who after the date specified in any requisition issued under sub-section (*2*) permits the overcrowding of any building in contravention of such requisition, and any person who omits to vacate any such building in accordance with notice given to him under sub-section (*4*), shall be punished with fine which may extend to ten rupees for each day subsequent to the date specified in such requisition during which such overcrowding, or such omission to vacate, continues.

Special powers which may be conferred by the Provincial Government in respect of over-crowded areas notified by the Provincial Government.

149. (*1*) If the [1][Provincial Government] is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

(*a*) the manner in which either buildings, or blocks of buildings, already existing or projected therein, are, or are likely to become crowded together ; or

(*b*) the impracticability of cleansing any such buildings or blocks of buildings, already existing or projected ; or

(*c*) the want of drainage or scavenging, or the difficulty of arranging therein for the drainage or scavenging of any such buildings or blocks or area as aforesaid ; or

(*d*) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings ;

[2][it] may by notification confer on the Municipality, to which such area is subject, all or any of the powers specified in sub-section (*2*), and may, if [2][it] deem necessary, at any time make rules prescribing any limitations, restrictions, modifications, conditions or regulations, subject to which the Municipality shall exercise within that area all powers so conferred, unless and until those powers are withdrawn by a subsequent notification of the [1][Provincial Government].

(*2*) The powers all or any of which may be conferred on a Municipality under sub-section (*1*) are as follows :—

(*a*) power, when any building or block already existing or in course of erection, by reason of any defect specified in sub-section (*1*), has given or is in the opinion of the Municipality likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block, and addressed as the Municipality deem fit either to the owners thereof, or to the owners of the land on which such building or block is erected or is in course of erection, that the persons so addressed shall, within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "he", *ibid.*

execute such works or take such action in connection therewith as the Municipality deem necessary to prevent all such risk of disease;

(*b*) power by municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein;

(*c*) power, subject to a right of appeal to the Commissioner, whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space, and by general notice published in the manner provided in sub-section (*3*) of section 154, the erection of any building of or any building exceeding such dimensions as may be specified,

(*i*) on the site of any building which has, in whole or in part, in exercise of the power specified in clause (*a*), been pulled down, or

(*ii*) on any space not occupied by buildings, whether such space is private property or not and whether it is enclosed or not,

if the Municipality consider that in order to prevent such risk as aforesaid, such site or space should not be built upon, and either

(*a*) to acquire such site or space, or

(*b*) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof:

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 160, shall be paid to any person whose rights are affected by such prohibition.

(*3*) When, in pursuance of any notice under sub-section (*2*), any building has been pulled down, the Municipality shall, unless it has been erected contrary to any provision of this Act or of any by-law in force thereunder, pay to such owner or occupier as may have sustained damage thereby reasonable compensation, the amount of which shall, in case of dispute, be ascertained or determined in the manner provided in section 160.

(*4*) In making any rule under sub-section (*1*) the [1][Provincial Government] may prescribe a fine not exceeding five hundred rupees for every breach, and a further fine not exceeding twenty rupees a day for every continuing breach of any order made or conditions imposed by the Municipality in exercise of the powers conferred upon them under this section or in pursuance of such rules.

Closing of places for disposal of the dead.

150. (*1*) If the Municipality be of opinion that any place used for the disposal of the dead is in such a state as to be, or to be likely to become, injurious to health, they may submit their opinion with the reasons therefor to the [2][Commissioner] and the [2][Commissioner] thereupon, after such further inquiry, if any as he shall deem fit to cause to be made, may by notification direct that such place shall cease to be so used from such date as may be specified on that behalf in the said notification.

(*2*) A copy of the said notification together with a translation thereof in the vernacular of the district shall be published in the local newspapers, if any, and

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the words "Governor in Council" by Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

shall be posted up at the municipal office and in one or more conspicuous spots on or near the place to which the same relates.

(3) Any person who buries or otherwise disposes of any corpse in any such place, after the date specified in the said notification for closure of the same, shall be punished with fine which may extend to one hundred rupees.

(9) Nuisances from certain trades and occupations.

151. (1) If it be shown to the satisfaction of the Municipality that any building or place used or intended by any person to be used, **Regulation of certain trades.**

(a) for boiling or storing offal, blood, bones or rags;
(b) for salting, curing and storing fish;
(c) for storing hides, horns or skins;
(d) for tanning;
(e) for the manufacture of leather or leather goods;
(f) for dyeing;
(g) for melting tallow or sulphur;
(h) for washing or drying wool or hair;
(i) as a brick, pottery or lime kiln;
(j) for soap-making;
(k) for oil-boiling;
(l) as a manufactory of sago;
(m) as a distillery;
(n) for storing hay, straw, fodder, wood, coal or other combustible material;
(o) as a manufactory or place of business of any other kind, from which offensive or unwholesome smells arise, or which may involve risk of fire,

is, or is likely by reason of such use and of its situation to become, a nuisance to the neighbourhood, or is so used or is so situated as to be likely to be dangerous to life, health or property, the Municipality may by written notice require the owner or occupier—

(i) at once to discontinue the use of, or at once to desist from carrying out, or allowing to be carried out, the intention so to use, such place, or

(ii) to use it in such manner, or after such structural alterations, as the Municipality in such notice prescribes, so that it may not become, or may be no longer, a nuisance or dangerous.

(2) Whoever, after notice has been given under sub-section (1), uses any place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous to life, health or property, shall be punished with fine which may extend to two hundred rupees, and with further fine which may extend to forty rupees for every day on which such use or permission of use is continued after the date of the first conviction. **Liability to penalty after notice.**

(3) Upon a conviction being obtained under this section the Magistrate shall, on the application of the Municipality but not otherwise, order such place to be closed, and thereupon appoint persons or take other steps to prevent such place being used for any purpose mentioned in sub-section (1).

Penalty for unlicensed places in district in which by-laws under section 48 (*1*) (*b*) (*iii*) are in force.

(*4*) Whoever uses without a licence, or during the suspension or after the withdrawal of a licence, any place for any purpose mentioned in sub-section (*1*) in any municipal district in which by laws are for the time being in force prescribing the conditions on [1][or] subject to which, the circumstances in which, and the areas [1][or] localities in respect of which, licences for such use may be granted, refused, suspended [1][or] withdrawn, shall be punished with fine which may extend to fifty rupees and with further fine which may extend to ten rupees for every day on which such use is continued after the date of first conviction.

Prohibition of use of steam-whistles, etc.

[2][**151A.** (*1*) No person shall use or employ in any factory or any other place any whistle or trumpet operated by steam or mechanical means for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a licence from the Municipality.

(*2*) The Municipality may grant such licence subject to such conditions as they may deem fit and may at any time withdraw such licence on giving one month's notice to the licensee :

Provided that where the licensee has contravened any of the conditions of the licence, the licence may be withdrawn without any such notice.

(*3*) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of, or after the withdrawal of, such licence shall be punished with fine which may extend to fifty rupees.]

Loitering or importuning for purposes of prostitution.

[3][**152.** Whoever in any street or public place within the limits of a municipal district loiters for the purpose of prostitution, or importunes any person to the commission of sexual immorality, shall be punished with fine which may extend to fifty rupees :

Provided that no Court shall take cognizance of an offence under this section except on the complaint of the person importuned, or of a Police officer not below the rank of an officer in charge of a police station and specially authorized in this behalf by the District Magistrate or by the Municipality.]

Brothels.

[4][**153.** In any municipal district,

(*a*) any part of which is within three miles of a cantonment, or

(*b*) to which on the application of the Municipality the [5][Provincial Government] may by notification have declared this section to apply,

any Magistrate of the first class, on receiving information that a house within the limits of such district is used as a brothel, may summon the owner or occupier of such house, and on being satisfied that the house is so used, may order the owner or occupier to discontinue such use of it, and, if such owner or occupier shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty five rupees for every day thereafter that the house shall be so used :

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[1] This word was substituted for the word "and" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

[2] Section 151A was inserted by s. 25 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[3] In any municipal district to which section 3 of the Bombay Prevention of Prostitution Act, 1923 (Bom. 11 of 1923) may be extended under sub-section (*2*) of section 1 of the said Act, section 152 of Bom. 3 of 1901 shall be deemed to have been repealed from date of such extension. [*Vide* Bom. 11 of 1923, s. 13 (*2*).]

[4] For notification applying s. 153 to the Satara Suburban Municipal District, *see Bombay Government Gazette*, 1903, Part 1A, p. 89.

[5] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Provided that action under this section shall be taken only—

(*a*) with the sanction or by the order of the District Magistrate, or

(*b*) on the complaint of three or more inhabitants of the municipal district residing in the vicinity of the house to which the complaint refers.

(10) Service of notices and penalties on non-compliance therewith.

Service of notices, etc., addressed to individuals.

154. (*1*) The service of every notice, and the presentation of every bill under this Act, on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for therein, be effected by a municipal officer or servant or other person authorised by the Municipality in this behalf—

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed ; or

(*b*) if such person is not found, by leaving the notice or bill at his last known place of abode, if within the municipal limits, or by giving or tendering the notice or bill to some adult male member or servant of his family ; or

(*c*) if such person does not reside within the municipal limits, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post, under cover bearing the said address ; or

(*d*) if none of the means aforesaid be available, then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notices on "owners" or "occupiers" of buildings and lands.

(*2*) When any notice under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

(*a*) by giving or tendering the notice to the owner or occupier, or if there be more owners or occupiers than one, to any one of them ; or

(*b*) if no such owner or occupier be found, then by giving or tendering the [1][notice] to some male adult member or servant of the family of any such owner or occupier as aforesaid ; or

(*c*) if none of the means aforesaid be available, then by causing the [1][notice] to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

(*3*) Every notice which this Act requires or empowers a Municipality to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the municipal office during such period and in such other public buildings and places, or is published in such local papers or in such other manner, as the Municipality in by-laws in this behalf prescribes.

Defective form not to invalidate notice.

(*4*) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(*5*) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

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[1] This word was substituted for the word "bill" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

(*6*) In the event of non-compliance with the terms of the notice it shall be lawful for the Municipality to take such action or such steps as may be necessary for the completion of the act thereby required to be done, and all the expenses therein incurred by the Municipality shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in [1][section 160A].

Punishment for disobedience to orders and notices not punishable under any other section.

155. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by a Municipality under any power conferred by this Chapter, or fails to comply with the conditions subject to which any permission was given to him by the Municipality under any power so conferred, shall, if the disobedience or failure is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and with further fine which may extend to five rupees for every day on which the said disobedience or failure continues after the date of the first conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Municipality in default of owner or occupier may execute works and recover expenses.

156. (*1*) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building or land, and default is made in the execution of such work, the Municipality, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to them by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as to the Municipality may seem fit:

Provided that—

Agreement for construction of drainage and water connections.

(*a*) whenever any drainage scheme or water-works scheme has been commenced by any Municipality, it shall be lawful for the Municipality, without prejudice to their powers under sub-section (*1*) or section 101 or any other provision of this Act, to make a special agreement with the owner of any building or land as to the manner in which the drainage or water-connection thereof shall be carried out, and the pecuniary or other assistance, if any, which the Municipality shall render, and any payment agreed upon by the owner shall be recovered in accordance with the terms of such agreement, or, in default, in the manner described in sub-sections (*2*) and (*3*):

Provided also that—

Improvement expenses.

(*b*) when an order has been passed under sub-section (*3*) of section 90, sub-section (*1*) of section 91, [2][sub-section (*2*)] or (*6*) of section 96 or under sections 99, 101, 106 or 107 or when permission has been given under section 102, or when an arrangement has been made under proviso (*a*) of this sub-section, the Municipality may, without prejudice to any other powers under this Act, if they think fit, declare any expenses incurred as aforesaid by the Municipality to be

[1] The word, figures and the letter "Section 160A" were substituted for the word and figures "section 160" by s. 2 Sch. II, Pt. II of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[2] This word, figure and brackets were substituted for the word, figure and brackets "sub-section (*1*)" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

improvement expenses. Improvement expenses shall be a charge upon the premises or land, shall be levied in such instalments as the Municipality decide, including interest at the rate of six per cent. per annum and shall be recoverable in the manner described in sub-sections (2) and (3)

(2) If the defaulter be the owner of the building or land, the Municipality may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (3) the payment of all or any part of the expenses payable by the owner for the time being, from the person who then, or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier, and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Power to levy charges on occupier who may deduct the same from his rent.

(3) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglect or refuse, upon application made to him for that purpose by the Municipality, truly to disclose the amount of his rent, and the name and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

Occupiers not to be liable for more than the amount of rent due.

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

157. Whenever default is made by the owner of any building or land in the execution of any work required to be executed by him, the occupier of such building or land may, with the approval of the Municipality, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Occupiers, in default of owner, may execute works and deduct expenses from his rent.

158. If the occupier of any building or land prevents the owner thereof from carrying into effect, in respect of such building or land, any of the provisions of this Act, after notice of his intention so to carry them into effect has been given by the owner to such occupier, any Magistrate upon proof thereof, and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works, with respect to such building or land, as may be necessary for carrying into effect the provisions of this Act, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order; and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such work, such occupier shall, for every day during which he so continues to refuse, be punished with a fine which may extend to fifty rupees; and every such owner during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Proceedings if any occupier opposes the execution of the Act.

Entry for purposes of the Act.

159. It shall be lawful for the president or vice president, or any councillor or officer authorized by the Municipality for such purposes, to enter for the purposes of this Act, between sunrise and sunset, into and upon any building or land, as well for the purpose of making any survey or inspection they may be entitled to make as for the purpose of executing any work authorised by this Act to be executed by them :

Provided that, except when herein otherwise provided, no building or land which may be occupied at the time shall be entered unless with the consent of the occupier thereof, without twenty-four hours' written notice thereof having been given to the said occupier :

Provided also that in the case of buildings used as human dwellings, due regard shall be paid to the social and religious customs of the occupiers.

Arbitration in cases of compensation, etc.

160. (*1*) If a dispute arises with respect to any [1][compensation or damages] which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall be ascertained and determined by a panchayat of five persons, of whom two shall be appointed by the Municipality, two by the party [2][to or from whom such [1][compensation or damages] may be payable or recoverable] and one, who shall be sir-panch, shall be selected by the members already appointed as above.

(*2*) If either party or both parties fail to appoint members, or if the members fail to select a sir-panch within one month from the date of either party receiving written notice from the other of claim to such [1][compensation or damages], such members as may be necessary to constitute the panchayat shall be appointed, at the instance of either party, by the District Judge.

(*3*) In the event of the panchayat not giving a decision within one month from the date of the selection of the sir-panch or of the appointment by the District Court of such members as may be necessary to constitute the panchayat, the matter shall, on application by either party, be determined by the District Court which shall, in cases in which the compensation is claimed in respect of land, follow as far as may be the procedure provided by the [3]Land Acquisition Act, 1894, for proceedings in matters referred for the determination of the Court : I of 1894.

Provided that—

(*a*) no application to the Collector for a reference shall be necessary, and

(*b*) the Court shall have full power to give and apportion the costs of all proceedings in any manner it thinks fit.

Costs or expenses how determined and recovered.

[4][**160A.** If a dispute arises with respect to any costs or expenses which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Municipality and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.]

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[1] These words were substituted for the words "compensation, damages, costs or expenses" by s. 26 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[2] These words were substituted for the words "to receive compensation" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

[3] Central Acts.

[4] Section 160A was inserted by s. 27 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

Municipality may prosecute.

161. (*1*) The Municipality [1][and, in the case of offences against any of the provisions of this Act mentioned in section 183 (*d*), the chief officer] may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the municipal fund :

Provided that no prosecution for an offence under this Act shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrate.

(*2*) Any prosecution under this Act or under any by-laws thereunder may, save as therein otherwise provided, be instituted before any Magistrate and every fine or penalty imposed under or by virtue of this Act or any by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such Magistrate, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to the person from whom the money is claimable.

Distress lawful though defective in form.

162. No distress levied by virtue of this Act shall be deemed unlawful nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any summons, conviction or warrant of distress or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him ; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

Damage to municipal property how made good.

163. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of the Municipality shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such damage on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

164. In lieu of proceeding by distress and sale, or in case of failure to realise by so proceeding the whole or any part of any amount recoverable under the provisions of Chapter VIII, or of any compensation, expenses, charges or damages awarded under this Act, it shall be lawful for the Municipality to sue in any Court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any other way caused, or may appear likely to cause, any injury to any property, rights or privileges of the Municipality.

Power to compromise.

165. (*1*) The Municipality may compound or compromise in respect of any suit instituted by or against them, or, in respect of any claim or demand arising out of any contract entered into by them under this Act, for such sum of money or other compensation as they shall deem sufficient :

[1] These words, figures and letter were inserted by Bom. 8 of 1914, s. 28.

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compounding or compromising any claim or demand arising out of such contract.

(2) The Municipality may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in them, their officers and servants under this Act.

Assistance for the recovery of rent on land.

166. For the purpose of the recovery of any amount due on account of rent from any person to a Municipality in respect of any land vested in [1][or otherwise held by] such Municipality, the Municipality shall be deemed to be superior holders, and every such person an inferior holder, of such land, within the meaning of sections 86 and 87 of the Bombay Land Revenue Code, 1879, and the Municipality as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said sections superior holders are entitled for the recovery of rent or land-revenue payable to them by inferior holders. Bom. V of 1879.

Limitation of suits, etc.

167. No suit shall be commenced against any Municipality, or against any officer or servant of a Municipality, or any person acting under the orders of a Municipality, for anything done, or purporting to have been done, in pursuance of this Act, without giving to such Municipality, officer, servant or person one month's previous notice in writing of the intended suit and of the cause thereof, nor after six months from the date of the act complained of;

and in the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.

Powers of Police officers.

168. (1) Any Police officer may arrest any person committing in his view any offence against any of the provisions of this Act or of any by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the Police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station-house until his name and address shall be correctly ascertained;

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate, or than twenty-four hours at the utmost.

(2) It shall also be the duty of all Police officers to give immediate information to the Municipality of the commission of any offence against the provisions of this Act or of any by-law thereunder, and to assist all municipal officers and servants in the exercise of their lawful authority.

CHAPTER XI.

MUNICIPAL ACCOUNTS.

Presentation of accounts.

169. (1) Every Municipality shall have prepared and laid before them, at their periodical general meetings, complete accounts of the receipts and expenditure of the Municipality since the 1st day of April last preceding, and at a general meeting which shall, if possible, be held on such day between the 10th January and the 1st of March as may be fixed in this behalf by the rules of the Municipality, a complete

[1] These words were inserted by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

account of the actual and expected receipt and expenditure for the financial year ending on the 31st March next following, together with a budget estimate of the income and expenditure of the Municipality for the financial year to commence on the 1st April next following. Budget Estimates.

(*2*) The Municipality shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the 1st April next following. The budget so sanctioned may be varied or altered from time to time, as circumstances may render desirable, at a special general meeting called for the purpose.

(*3*) The Municipality shall at the general meeting in April, or after audit of the past year's accounts, if such audit has not before that general meeting taken place, pass the accounts of the past year.

Bom. XXV of 1930.

170. [1][(*1*) Independently of the audit provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the municipal accounts may be audited at such intervals and by such agency as may be prescribed in the rules of the municipality.] Audit of accounts.

(*2*) The auditor, or auditors, shall, for the purposes of their office, have access to all the accounts and other records of the Municipality.

(*3*) The Municipality shall pay from the Municipal fund such charges for the audit as may be agreed upon.[2] [3]* * * * * *

171. The Municipality shall as soon as the annual accounts have been finally passed by them, transmit to the [4][Provincial Government] or any officer duly authorized by [5][it], in this behalf, a copy thereof, or an account in such form as the [4][Provincial Government] may prescribe, and shall furnish such details and vouchers relating to the same as the [4][Provincial Government] or such officer may from time to time direct. Transmission of accounts to Provincial Government.

172. The quarterly and annual accounts of receipts and expenditure, and the budget when sanctioned, shall be open to public inspection, and shall be published in the vernacular language of the district in such manner as the Municipality may prescribe in this behalf. Publication of accounts.

CHAPTER XII.

CONTROL.

173. (*1*) The Collector shall have power—

(*a*) to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by any Municipality, or any work in progress under them or under their direction ; Collector's powers of inspection and supervision.

(*b*) to call for any extract from the proceedings of any Municipality or of any committee or for any book, or document in the possession of or under the control of a Municipality, and any return, statement, account, or report which he may think fit to require such Municipality to furnish ;

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[1] Sub-section (*1*) was substituted for the original sub-section by Bom. 25 of 1930, s. 16 (*1*) (*a*).

[2] The full stop was substituted for the comma, *ibid.*, s. 16 (*1*) (*b*) (*ii*).

[3] The words "or if the auditor is a Government auditor, then such charge as may be prescribed by the Governor in Council" were repealed, *ibid.*

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] The word "it" was substituted for the word "him", *ibid.*

(*c*) to require a Municipality to take into their consideration any objection which appears to him to exist to the doing of anything which is about to be done or is being done by such Municipality, or any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Municipality, and to make a written reply to him within a reasonable time stating their reasons for not desisting from doing, or for not doing, such thing.

(*2*) All or any of the powers given to the Collector by this section may be delegated by him to the Assistant or Deputy Collector in charge of a taluka in so far as concerns any Municipality other than a City Municipality in such taluka.

Collector's powers of suspending execution of orders, etc., of Municipalities.

174. (*1*) If, in the opinion of the Collector, the execution of any order or resolution of a Municipality, or the doing of anything which is about to be done or is being done by or on behalf of a Municipality, is causing or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace, or [1]* is unlawful, he may by order in writing under his signature, suspend the execution or prohibit the doing thereof.

Collector's order to be reported to Commissioner, who may confirm or modify it.

(*2*) When a Collector makes any order under this section, he shall forthwith forward to the Commissioner and to the Municipality affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit.

Every case under this section to be reported to Provincial Government for their final orders.

(*3*) The Commissioner shall forthwith submit to the [2][Provincial Government] a report of every case occurring under this section, and the [2][Provincial Government] may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made.

Extraordinary powers of Collector in case of emergency.

175. (*1*) In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a Municipality are empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the Municipality.

(*2*) If the expense and remuneration are not so paid, the Collector may make an order directing any person, who for the time being has custody of any moneys on behalf of the Municipality, to pay such expense and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(*3*) The provisions of sub-sections (*2*) and (*3*) of section 174 shall apply, so far as may be, to any order made under this section.

Power of Commissioner to prevent extravagance in the employment of establishment.

176. If in the opinion of the Commissioner the number of persons who are employed by a Municipality as officers or servants, or whom a Municipality propose to employ, or the remuneration assigned by the Municipality to those persons, or to any particular person, is excessive, the Municipality shall, on the requirement of the Commissioner, reduce the number of the said persons or the remuneration of the said person or persons:

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[1] The word "which" was repealed by s. 10 of the Bombay District Municipal Amendment Act, 1904 (Bom. 4 of 1904).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Provided that the Municipality may appeal against any such requirement to the [1][Provincial Government], [2][decision of which] shall be conclusive.

Provincial Government may require any City Municipality to appoint a chief officer, health officer or an engineer.

177. (*1*) It shall be lawful for the [1][Provincial Government]—

(*i*) to require, if in [3][its] opinion at any time such an appointment is necessary, the appointment of a chief officer or of a health officer, or of an engineer, or any one or more of such appointments, to be made by any City Municipality;

(*ii*) to make in [3][its] discretion an order vetoing the appointment, or continuance in any such office, of any person selected therefor or appointed thereto by any such Municipality, and the tenure of such office by any such person shall cease and determine on and from the date on which such order is communicated to the Municipality;

(*iii*) to require that any person appointed to be a chief officer [4][or a Municipal Commissioner] shall be invested by any such Municipality with all or any of the powers which can under this Act or under any rules in force at the time be lawfully delegated to him, in addition to such powers as are conferred on him by section 183 [4][or by Chapter XIIIA, as the case may be];

(*iv*) to require that all or any of the powers referred to in section 144 or in section 145 (if the conditions under which that section comes into operation exist) shall be delegated by any such Municipality, whether there be a chief officer or not, to the president, vice-president or any such councillor as the [1][Provincial Government] may deem fit.

(*2*) Any requisition issued to the Municipality under clause (*i*), (*iii*) or (*iv*) of sub-section (*1*) above shall be complied with within such time as the [1][Provincial Government] may in each case prescribe in that behalf.

Power of Provincial Government to provide for performance of duties in default of Municipality.

178. (*1*) When the [1][Provincial Government] is informed, on complaint made or otherwise, that a Municipality have made default in performing any duty imposed on them by or under this Act, or by or under any enactment for the time being in force, the [1][Provincial Government], if satisfied after due inquiry that the Municipality have been guilty of the alleged default, may direct the Commissioner to fix a period for the performance of that duty.

(*2*) If that duty is not performed within the period so fixed, the Commissioner may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it shall be forthwith paid by the Municipality.

[5](*3*) If the expense and remuneration are not so paid, the Commissioner may make an order directing the bank in which any moneys of the municipality are deposited or the person in charge of the [6][Provincial Government] Treasury or of any other place of security in which the moneys of the Municipality are deposited to pay such expense and remuneration from such moneys as may be standing to the credit of the Municipality in such bank or may be in the hands of such person or as may from time to time be received from or on behalf of the municipality by way of deposit by such bank or person; and such bank or person shall be

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "decision of which" were substituted for the words "whose decision"; *ibid.*

[3] The word "its" was substituted for the word "his", *ibid.*

[4] These words were inserted by s. 29 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[5] Sub-section (*3*) was substituted for the original sub-section by Bom. 23 of 1931, s. 2 (*ii*).

[6] The words "Provincial Government" were substituted for the words "local Government" by the Adaptation of Indian Laws Order in Council.

bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such bank or person from all liability to the Municipality in respect of any sum or sums so paid by it or him out of the moneys of the Municipality so deposited with such bank or person.

Power of Provincial Government to supersede Municipality in case of incompetency, default or abuse of powers.

179. (*1*) If, in the opinion of the [1][Provincial Government], any Municipality are not competent to perform, or persistently make default in the performance of, the duties imposed on them by or under this Act, or otherwise by law, or exceed or abuse their powers, the [1][Provincial Government] may, by an order published, with the reasons for making it, in the [2][*Official Gazette*] declare the Municipality to be incompetent or in default, or to have exceeded or abused their powers, as the case may be, and [3][may dissolve such Municipality or] supersede them for a period to be specified in the order.

[4][(*2*) On the dissolution of a Municipality under sub-section (*1*) the term of office of the Councillors of such Municipality shall terminate and elections of Councillors shall be held under the provisions of this Act or rules made thereunder applicable thereto, on or before a date to be specified by [5][the Provincial Government] in this behalf in the aforesaid order.]

Consequences of supersession.

[6](*3*) When the Municipality are [7][superseded under sub-section (1)] the following consequences shall ensue :—

(*a*) all Councillors of the Municipality shall, as from the date of the order, vacate their offices as such Councillors ;

(*b*) all powers and duties of the Municipality shall, during the period of supersession, be exercised and performed by such person or persons as the Commissioner from time to time appoints in that behalf ;

(*c*) all property vested in the Municipality shall, during the period of supersession, vest in His Majesty.

Power after inquiry to continue period of supersession.

[6](*4*) If, after inquiry made, the [1][Provincial Government] so directs, the period of supersession with all the consequences aforesaid shall from time to time be continued by an order published as aforesaid until such date as may be fixed by the [1][Provincial Government] for the re-establishment of the Municipality.

[6](*5*) The Municipality shall be re-established by the election or appointment of new Councillors under the provisions of this Act applicable thereto,

(*a*) if no direction has been made under sub-section [8][(*4*)], then on the expiration of the period specified in the order of supersession under sub-section (*1*), and

(*b*) if a direction has been made under sub-section [8][(*4*)], then on such date as is fixed under that section for the re-establishment of the Municipality.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] These words were inserted by Bom. 4 of 1924, s. 7 (*1*).

[4] Sub-section (*2*) was inserted, *ibid.*, s. 7 (*2*).

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] Sub-sections (*2*), (*3*) and (*4*) were renumbered (*3*), (*4*) and (*5*) by Bom. 4 of 1924, s. 7 (*4*) (*a*).

[7] These words, figure and brackets were substituted for the words "so superseded", *ibid.*, s. 7 (*4*) (*a*).

[8] The figure "4" was substituted for the figure "3", *ibid.* s. 7 (*4*)(*b*).

180. In all matters connected with this Act, the [1][Provincial Government], each Commissioner and each Collector shall, respectively, have and exercise the same authority and control over the Commissioners, the Collectors and their subordinates, as [2][it or he] has and exercises over them in the general and revenue administration. Powers of Provincial Government and of the Commissioners over Collectors, etc.

CHAPTER XIII.

SPECIAL PROVISIONS FOR CITY MUNICIPALITIES.

181. (*1*) The [1][Provincial Government] may at any time, in respect of any municipal district which contains a population of not less than fifteen thousand inhabitants, declare, by notification, the Municipality thereof, which shall be specified in the notification, to be a City Municipality. Constitution of City Municipalities.

(*2*) The [1][Provincial Government] may, in respect of any Municipality so declared, or in respect of any Municipality specified in Schedule E, direct by notification, specifying such Municipality, that from such date as shall be fixed by the notification containing such direction, the Municipality specified shall cease to be a City Municipality and such Municipality shall, on the date fixed, cease to be a City Municipality accordingly.

182. (*1*) Any City Municipality may, if they think fit, appoint a chief officer and a health officer and an engineer, or any one or more of such officers or such Municipality may in their discretion appoint one person, whether temporarily or permanently, to discharge the duties of any two or of all of such offices. City Municipality may appoint a chief officer, health officer, and engineer.

(*2*) No such officer shall, save with the previous sanction of the [1][Provincial Government], be removable from office unless by the votes of at least three-fourths of the whole number of Councillors.

(*3*) When a chief officer shall have been appointed, all other officers and servants employed by the Municipality shall be subordinate to him.

183. The chief officer in a City Municipality shall exercise the powers hereinafter specified, and such other powers as may be delegated to him by the Municipality under the provisions of this Act: Powers of chief officer.

(*a*) he shall have power, subject to the provisions of this Act and of the by-laws for the time being in force thereunder, to grant, give and issue under his signature all licences and permissions which may be granted or given by a Municipality under this Act, other than licences for markets or slaughter-houses; and

(*b*) he may, subject to the provisions aforesaid, at his discretion suspend, withhold or withdraw any licence, in any case in which he is empowered as aforesaid to grant or give a licence, and in which the Municipality may under the provisions aforesaid suspend, withhold or withdraw such licence;

(*c*) he shall receive and recover and credit to the municipal fund all fees payable for licences and permissions granted or given by him under the powers aforesaid;

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "it or he" were substituted for the word "he", *ibid.*

(*d*) he may make such requisitions by written notice, give such written consent or permission, issue such orders and prohibitions, and exercise all such powers as may be made, given, issued or exercised by a Municipality under any provisions contained in—

(*i*) sub-section (*2*) of section 91,
(*ii*) [1][sub-section (*2*)], sub-section (*3*) or clause (*a*) of sub-section (*5*) of section 96,
(*iii*) section 102,
(*iv*) sub-section (*1*) of section 110,
(*v*) section 111,
(*vi*) section 114,
(*vii*) section 115,
(*viii*) section 118,
(*ix*) section 119,
(*x*) section 121,
(*xi*) section 122,
(*xii*) section 123,
(*xiii*) section 124,
(*xiv*) section 125,
(*xv*) section 126,
(*xvi*) section 127,
(*xvii*) section 128,
(*xviii*) secton 130,
(*xix*) sub-section (*1*) of section 131,
(*xx*) section 132,
(*xxi*) section 134,
(*xxii*) section 142,
(*xxiii*) section 143,
(*xxiv*) clause (*b*) of sub-section (*2*) of section 144.

Chief officer's power of appointment and punishment.

184. The chief officer shall have, independently of such powers as may be delegated to him by the Municipality in this behalf, power—

(*a*) to appoint—

(*i*) without the previous sanction of the Municipality, to any post the monthly salary for which as fixed by rules made under clause (*b*) of section 46 does not exceed Rs. 15, and

(*ii*) with such previous sanction in each case, to any post under the Municipality other than that of the health officer, engineer or chief accountant, and

(*b*) to fine, reduce, suspend or dismiss any municipal servant whose salary does not exceed Rs. 15, and, subject to the provisions of the rules for the time being in force, any other municipal officer or servant not being the health officer, engineer, or chief accountant, provided that in respect of any punishment other than a fine not exceeding one week's salary his order shall be subject to an appeal to the Municipality.

Delegation of chief officer's powers.

185. The chief officer may, with the sanction of the Municipality, delegate any of the powers conferred on him to any officer subordinate to him.

[1] This word, figure and brackets were substituted for the word, figure and brackets "sub section (*1*)" by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

186. The chief officer may, with the permission of the president, or in virtue of a resolution passed in this behalf at any meeting of the Municipality or of any committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or make any proposition at any such meeting. Chief officer may take part in discussions.

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[1][CHAPTER XIIIA.

THE MUNICIPAL COMMISSIONER, HIS POWERS AND DUTIES.

186A. (*1*) Notwithstanding anything contained in Chapter XIII, the [2][Provincial Government] may make an appointment of a Municipal Commissioner— Appointment of Municipal Commissioner.

(*a*) for any municipal district which contains a population of not less than one hundred thousand inhabitants ; and

(*b*) for any other municipal district on the application of the Municipality in this behalf, provided that such application has been previously supported by not less than two-thirds of the whole number of Councillors.

(*2*) The population of a municipal district shall be deemed to be the population as ascertained in the latest census taken in such municipal district, unless the [2][Provincial Government] thinks fit to direct that a special census may be taken in such municipal district for the purpose of ascertaining the population, whereupon the population shall be deemed to be the population as ascertained in such special census. Population how ascertained.

(*3*) When the appointment of a Municipal Commissioner has been once made for a municipal district which contained at that time a population of not less than one hundred thousand inhabitants as ascertained in sub-section (*2*), such appointment shall not cease by reason only of the fact that the population of such municipal district has fallen short of one hundred thousand inhabitants. Subsequent reduction of population.

(*4*) On the appointment of a Municipal Commissioner the appointment of a chief officer, whether made under section 177 or section 182, shall forthwith terminate : provided that the appointment of a Municipal Commissioner shall not be made until such notice has been given to the chief officer, if any, as the terms of his appointment entitle him to receive and until the expiry of the period specified in such notice. Appointment of chief officer to cease on appointment of a Municipal Commissioner.

(*5*) The [2][Provincial Government] may at any time discontinue the appointment of a Municipal Commissioner for any municipal district for which such appointment has been made. Discontinuance of appointment.

186B. (*1*) A Municipal Commissioner shall hold office for a period of three years, in the first instance, and thereafter for such further period as the [2][Provincial Government] may in each case determine. Term of office.

(*2*) A Municipal Commissioner may be removed from office at any time by the [2][Provincial Government] if it shall appear to the [2][Provincial Government] that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient. Removal from office.

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[1] Chapter XIIIA was inserted by s. 30 of the Bombay District Municipal Amendment Act, 1914 (Bom. 8 of 1914).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

(*3*) A Municipal Commissioner shall be forthwith removed from office by the [1][Provincial Government] on the application of the Municipality in this behalf, provided that such application has been previously supported by not less than three-fourths of the whole number of councillors.

Salary of Municipal Commissioner.

186C. (*1*) A Municipal Commissioner shall receive from the municipal fund such monthly salary as the Municipality shall, subject to the approval of the [1][Provincial Government], from time to time determine.

Prohibition of engagement in other business.

(*2*) A Municipal Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other enactment for the time being in force, and shall not engage in any other profession, trade or business whatsoever:

Provided that he may at any time, with the sanction of the Municipality, serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest.

Leave of absence.

186D. (*1*) The [1][Provincial Government] may, from time to time, with the assent of the Municipality, grant leave of absence for such period as [2][it] thinks fit to a Municipal Commissioner.

Leave allowance.

(*2*) The allowance to be paid to a Municipal Commissioner, while absent on leave, shall be of such amount, not exceeding his salary, as shall be fixed by the [1][Provincial Government];

Provided that, if the Municipal Commissioner is a salaried [3][servant of the Crown], the amount of such allowance shall be regulated by the rules for the time being in force relating to the leave allowances of salaried [4][servants of the Crown] of his class.

appointment of substitute.

(*3*) During any absence on leave, or other temporary vacancy in the office, of a Municipal Commissioner the [1][Provincial Government] may appoint a fit person to act as Municipal Commissioner. Every person so appointed shall exercise the powers and perform the duties conferred and imposed by or under this Act or by any other enactment for the time being in force on the person for whom he is appointed to act, and shall be subject to the same liabilities, restrictions and conditions to which the said person is liable.

Contributions from Municipality towards pension and leave allowances of Municipal Commissioner.

186E. (*1*) When a salaried [3][servant of the Crown] is appointed to be a Municipal Commissioner, the Municipality shall, unless specifically exempted wholly or in part from liability by the [5][Government in whose service he was employed immediately before the appointment], contribute to his pension and leave allowances to the extent required by proviso (*b*) to section 16.

(*2*) When a person other than a salaried [3][servant of the Crown] is appointed to be a Municipal Commissioner, the Municipality shall pay from the municipal fund the whole of his leave allowances fixed, as hereinbefore provided, by the [1][Provincial Government], and may, with the sanction of the [1][Provincial Government], grant him a pension or gratuity on retirement, or grant a compassionate allowance to his family on his death.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "he", *ibid.*

[3] The words "servant of the Crown" were substituted for the words "servant of Government", by *ibid.*

[4] The words "servants of the Crown" were substituted for the words "servants of Government" *ibid.*

[5] The words "Government in whose service he was employed immediately before the appointment", were substituted for the words "Governor General in Council", *ibid.*

186F. (*1*) The Municipality may require the Municipal Commissioner to furnish them with— Power of Municipality to require returns, reports or production of documents.

(*a*) any return, statement, estimate, statistics or other information regarding any matter appertaining to the administration of this Act or to the municipal government of the municipal district;

(*b*) a report on any such matter;

(*c*) a copy of any document in his charge.

(*2*) The Municipal Commissioner shall comply with every such requisition without unreasonable delay.

186G. A Municipal Commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the Municipality under the provisions of this Act:— Powers of Municipal Commissioner and limitations thereon.

(*1*) he shall exercise all the powers specifically conferred on the chief officer in a City Municipality by the provisions of this Act; and

(*2*) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a Municipality under any of the provisions contained in the following sections or sub-sections, namely:—

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79, sub-sections (*3*), (*4*) and (*5*),
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91A,
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108,
109,
100, sub-section (*2*),
112, sub-section (*1*),
113,
116,
120,
135,
136,
139, sub-section (*4*),
144,
145,
146,
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159,
160A, and
161 :

Provided as follows :—

(*a*) the powers conferred on the Municipality by or under the provisions contained in section 71, section 90, section 91, section 91A, sub-section (*1*) of section 106, sub-section (*1*) of section 116, and, in the case of a well, section 135 shall not be exercised by the Municipal Commissioner except subject to the general or special orders of the Municipality or, in the absence of such orders, with the previous approval of the Municipality ;

(*b*) the powers conferred on the Municipality by or under any of the provisions of this Act—

(*i*) to make rules or by-laws, and

(*ii*) to authorize the president, or the vice-president, or a committee or a councillor to do anything

shall not be exercised by the Municipal Commissioner ;

(*c*) property, whether moveable or immovable, vested in or belonging to or otherwise held by the Municipality shall not be deemed to vest in or to belong to or otherwise to be held by the Municipal Commissioner ;

(*d*) the power conferred by section 161 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-section shall not be exercised by the Municipal Commissioner except with the previous approval of the Municipality :—

section 44,
section 45,
sub-section (*4*) of section 91,
sub-section (*4*) of section 91A,
section 138, and
sub-section (*4*) of section 149.

186H. When a Municipality empowered by any of the provisions of this Act or by any by-laws made hereunder to authorize an officer to exercise any power whatever or to do anything, have so authorized any officer, they shall be deemed so to have authorized the Municipal Commissioner, notwithstanding that they have not expressly so authorized him.

Municipal Commissioner deemed to be authorized in certain matters although not expressly so authorized.

186I. Whoever disobeys or fails to comply with a lawful direction given by the Municipal Commissioner in any matter shall be punishable in the same manner as a person who disobeys or fails to comply with a lawful direction given by the Municipality in the same matter.

Punishment for person disobeying lawful direction given by Municipal Commissioner.

186J. (*1*) A Municipal Commissioner shall have, independently such powers as may be delegated to him by the Municipality in this behalf, power without the sanction of the Municipality—

Powers of Municipal Commissioner to appoint, grant leave, punish and dismiss.

(*a*) to appoint, subject to the rules for the time being in force under sub-clause (*ii*) of clause (*b*) of section 46, a fit person to any post, under the Municipality, the monthly salary for which does not exceed rupees one hundred, other than to the post of the health officer, engineer, chief accountant, secretary or auditor ;

(*b*) to grant, subject to the rules for the time being in force under clause (*f*) of section 46, leave of absence to the holder of any post to which the Municipal Commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence ;

(*c*) to fine, reduce, suspend or dismiss the holder of any post to which the Municipal Commissioner has power to appoint :

Provided that no holder of a post the monthly salary for which exceeds rupees fifty shall be dismissed by the Municipal Commissioner without the approval of the Municipality.

(*2*) When a Municipal Commissioner has been appointed under the provisions of this Act, all other officers and servants employed by the Municipality shall be subordinate to him.

186K. Notwithstanding anything contained in section 24, in section 184 and in section 186J, the powers conferred on the Municipality, or on a committee appointed under section 28, by or under any of the provisions of this Act to appoint, grant leave of absence to, punish or dismiss any master, teacher or other person employed in a primary or other school vested in or maintained by the Municipality or employed in any educational institution aided by the Municipality shall not be exercised either by the chief officer or by the Municipal Commissioner.

Municipal Commissioner not to exercise powers of Municipality over masters and teachers.

186L. No appeal shall lie to the Municipality in respect of any order passed or anything done by a Municipal Commissioner in the exercise of the powers conferred upon him by or under the provisions of this Act except in the case of an order passed or anything done by him under any of the following sub-sections, namely :—

Orders not subject to appeal except in certain cases.

(*i*) sub-sections (*1*) and (*2*) of section 92,

(*ii*) sub-section (*1*) of section 98,

(*iii*) sub-section (*2*) of section 103,
(*iv*) sub-section (*2*) of section 131,
(*v*) sub-section (*1*) of section 151, and
(*vi*) clause (*b*) of sub-section (*1*) of section 156.

Delegation of powers of Municipal Commissioner.

186M. (*1*) With the sanction of the Municipality, the Municipal Commissioner may, by general or special order in writing, delegate to any municipal officer or servant any of the Municipal Commissioner's powers, duties, or functions under this Act or under any rule or by-law made here under except such as are conferred or imposed upon or vested in him under the following sections, namely :—

151, 161 and 186J.

(*2*) The exercise or discharge by any municipal officer or servant of any powers, duties or functions delegated to him under sub-section (*1*) shall be subject to such conditions and limitations, if any, as may be prescribed in the said order, and also to control and revision by the Municipal Commissioner.

Power to execute contracts on behalf of Municipality.

186N. In any Municipality for which a Municipal Commissioner has been appointed, notwithstanding anything contained in section 40, the following provisions with respect to the making of contracts under or for any purpose of this Act shall have effect, namely :—

(*a*) every such contract shall be made on behalf of the Municipality by the Municipal Commissioner ;

(*b*) no such contract for any purpose which the Municipal Commissioner of not empowered by this Act to carry out without the approval or sanction is some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

(*c*) no contract for the purchase, sale, lease, mortgage or other transfer of immovable property shall be entered into by the Municipal Commissioner except with the approval or sanction of the Municipality ;

(*d*) no contract which will involve an expenditure exceeding five hundred rupees shall be made by the Municipal Commissioner except with the approval or sanction of the Municipality ;

(*e*) every contract made by the Municipal Commissioner involving an expenditure exceeding two hundred and fifty rupees and not exceeding five hundred rupees shall be reported by him, within fifteen days after the same has been made, to the Municipality ;

(*f*) the foregoing provisions of this section shall apply to every variation or discharge of a contract as to an original contract.

Mode of executing contracts.

186O. (*1*) Notwithstanding anything contained in sub-sections (*6*) and (*7*) of section 40, every contract entered into by a Municipal Commissioner on behalf of a Municipality shall be entered into in such manner and form as would bind such Municipal Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged :

Provided that—

(*a*) where any such contract, if entered into by a Municipal Commissioner, would require to be under seal, the same shall be sealed with the common seal of the Municipality, and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding five hundred rupees shall be in writing and shall be sealed with the common seal of the Municipality and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(*2*) The common seal of the Municipality shall not be affixed to any contract, or other instrument, except in the presence of two members of the Managing Committee, who shall attach their signatures to the contract or instrument in token that the same was sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument.

(*3*) No contract not executed in the manner provided in this section shall be binding on the Municipality.

Tenders to be invited for contracts involving expenditure exceeding Rs. 1,000.

186P. (*1*) Except as is otherwise provided in sub-section (*3*), a Municipal Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(*2*) A Municipal Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provisions of clause (*e*) of section 186N, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous or may reject all the tenders submitted to him.

(*3*) The Municipality may authorize the Municipal Commissioner, for reasons which shall be recorded in their proceedings, to enter into a contract without inviting tenders as herein provided or without accepting any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

186Q. A Municipal Commissioner shall require security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.]

CHAPTER XIV.

NOTIFIED AREAS.

Constitution of notified areas

187. (*1*) The [1][Provincial Government] may by notification declare that with respect to some or all of the matters upon which a municipal fund may be expended under this Act, improved arrangements are required within a specified area, which, nevertheless, it is not expedient to constitute as a municipal district under section 7.

(*2*) An area in regard to which a notification has been issued under sub-section (*1*) is hereinafter called a notified area.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

(*3*) No area shall be made a notified area unless it—

(*i*) contains a town which is the head-quarters of a taluka, or

(*ii*) is within a distance of one mile from a railway station :

and no such area shall include two or more towns or villages which are separated by an extent of more than one mile of land unoccupied by houses.

Power of Provincial Government to impose taxation and regulate expenditure of the proceeds thereof.

188. (*1*) The [1][Provincial Government] may by notification—

[2][(*a*) apply or adapt to any notified area the provisions of any section of this Act, or part of any such section, or of any rules in force or which can be imposed in any municipal district under the provisions of this Act, subject to such restrictions and modifications, if any, as [3][it] may think fit ;]

(*b*) impose in any such area any tax, which might be imposed therein under the provisions of this Act if the said area were a municipal district ;

(*c*) appoint a person or a committee for the purposes of the assessment and recovery of any tax imposed under clause (*b*), and in order to arrange for the due expenditure of the proceeds of such taxes, and for the preparation and maintenance of proper accounts; and generally for enforcing the provisions of any section [4][or rules applied or adapted] under clause (*a*) :

Provided that in any such area as is described in clause (*i*) of sub-section (*3*) of section 187, a committee shall be appointed for such purposes consisting of not less than three or more than five persons of whom a majority shall be residents of such area.

(*2*) The proceeds of any tax levied in any notified area under this section shall be expended only in some manner in which if the notified area were a municipal district, the municipal fund thereof might be expended.

Application of Act to notified areas.

189. For the purposes of any section of this Act which may be [5][applied] to a notified area, the person or committee appointed for such area under section 188 shall be deemed to be a Municipality under this Act, and the area shall be deemed to be a municipal district.

Preliminaries to notification.

190. (*1*) Before issuing any notification under sub-section (*1*) of section 187 or under clause (*a*) or (*b*) of sub-section (*1*) of section 188, the [1][Provincial Government] shall, so far as may be, follow the procedure prescribed in section 8.

Power to cancel notification.

(*2*) The [1][Provincial Government] may at any time cancel any notification under section 187 or 188.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] Clause (*a*) was substituted by s. 2 (*1*) (*a*) of the Bombay District Municipal (Amendment) Act, 1903 (Bom. 3 of 1903).

[3] The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

[4] These words were substituted for the word "applied" by s. 2 (*1*) (*b*) of the Bombay District Municipal (Amendment) Act, 1903 (Bom. 3 of 1903).

[5] This word was substituted for the word "extended" by s. 2 (*2*), *ibid.*

[1]191. (*1*) When by reason of the cancellation, under sub-section (*2*) of section 190, of a notification issued under section 187 or 188, any area ceases to be a notified area, the property (including arrears of taxes) and rights which, prior to such cancellation, vested in the person or committee appointed for such area under clause (*c*) of sub-section (*1*) of section 188 shall, subject to all charges and liabilities affecting the same, vest in the local authority, if any, constituted for such area or within the limits of which such area is included, or if there be no such local authority, in His Majesty.

Vesting, recovery and application of property, rights and liabilities of persons or committees appointed for areas ceasing to be notified areas.

(*2*) Any arrears of taxes vesting in a local authority under sub-section (*1*) shall be recoverable under the provisions of the Act under which such local authority is constituted as if the taxes were imposed and recoverable under that Act:

Provided that steps to recover such arrears of taxes shall be taken within a period of three years from the date on which they so vest in the local authority.

(*3*) Where any property and rights vest in His Majesty under sub-section (*1*) the proceeds thereof shall, after satisfying all charges and liabilities affecting the same, be applied for the benefit of the inhabitants of the said area in such manner as [2][the Provincial Government] may think fit.

SCHEDULE A.

(*See* clause (*b*) [3]* * of section 60.)

Notice is hereby given to the inhabitants of the municipal district of that the Municipality desire to impose the tax, rate, toll, octroi or cess (*as the case may be*) defined in the rules appended, [in lieu of the tax known as the which is published at page of the sanctioned rules.]†

Any inhabitants of the municipal district objecting to the proposed tax may, within [4][one month] from the date of the notice, send his objections to the Municipality.

†To be inserted if the tax is to be substituted for any existing tax.

RULES.

[*The rules prepared by the Municipality under clause* (*b*) [3]* * *of section 60 are to be appended here.*]

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[1] Section 191 was substituted for the original section by Bom. 11 of 1936, s. 2. This section was given retrospective effect from the 14th February 1935, *vide* s. 3.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words, figure and brackets "of sub-section (*3*)" were repealed by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

[4] These words were substituted for the words "a fortnight", *ibid.*

SCHEDULE B.

(*See* sub-section (*3*) of section 82.)

Form of Notice of Demand.

To

AB, residing at

Take notice that the Municipality of demand from the sum of due from on account of (*here describe the property or other subject in respect of which the tax is leviable*) leviable under rule No. for the period of commencing on the day of 19 and ending on the day of 19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the municipal office at , and sufficient cause for non-payment is not shown to the satisfaction of the Municipality a warrant of distress will be issued for the recovery of the same with cost.

Dated this *day of* *19*

(Signed)

By order of the Municipality of

SCHEDULE C.

(*See* sub-section (*1*) of section 83.)

Form of Warrant.

(*Here insert the name of the officer charged with the execution of the warrant.*)

Whereas *A B* of has not paid, and has not shown satisfactory cause for the non-payment of, the sum of due for the tax† mentioned in the margin for the period commencing on the day of 19 , and ending with the day of 19 , and leviable under rule No. ;

(†Here describe the tax.)

And whereas fifteen days have elapsed since the service on him of notice of demand for the same ;

This is to command you to distrain, subject to the provisions of section 83 of the Bombay District Municipal Act, 1901, the goods and chattels of the said *A B* to the amount of , being the amount due from him, as follows :—

	Rs.	a.	p.
On account of the said tax			
[1][For issue of warrant]			

and forthwith to certify to me together with this warrant all particulars of the goods seized by you thereunder.

Dated this *day of* *19* .

(Signed)

President (or as the case may be), see section 83 (*2*).

SCHEDULE D.

(*See* clause (*c*) of sub-section (*4*) of section 83 [2][and sub-section (*1*) of section 79].)

(*Form of Inventory and Notice.*)

To

A B, residing at

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the value of due for the tax† (†Here describe the tax.) mentioned in the margin for the period commencing with the day of 19 and ending with the day of 19 , together with Rs. due as for service of notice of demand, and that unless within five days from the day of the date of this notice you pay into the municipal office at the said amount together with the costs of recovery, the said goods and chattels will be sold.

Dated this *day of* *19* .

(Signature of officer executing the warrant.)

INVENTORY.

(*Here state particulars of goods and chattels seized.*)

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[1] These words were substituted for the words "For service of notice" by Bom. 12 of 1931, s. 2 (*ix*).

[2] These words, figures and brackets were inserted by s. 2 of the Bombay District Municipal Act (1901) Amendment Act, 1902 (Bom. 3 of 1902).

SCHEDULE E.

(*See* clause (*1*) of section 3 and sub-section (*2*) of section 181.)

Name of Municipality.	Division.
Ahmedabad	Northern Division.
Broach	
Surat	
Belgaum	Southern Division.
Dharwar	
Hubli	
Sholapur	Central Division.
Ahmednagar	
Nasik	
Poona	
[1]* * * *	Province of Sind.
Hyderabad	
Shikarpur	
Sukkur	

[1] The word "Karachi" was repealed by Bom. 17 of 1933, s. 4.

BOMBAY ACT No. VI OF 1901.[1]

[THE BOMBAY LAND REVENUE CODE AMENDMENT ACT, 1901.]

[*5th October 1901.*]

An Act to amend the Bombay Land Revenue Code, 1879.

Bom. V of 1879.

WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879, in manner hereinafter appearing; It is enacted as follows :—

Short title.

1. (*1*) This Act may be called the Bombay Land Revenue Code Amendment Act, 1901.

(*2*) It shall come into force at once.

[2]2-4. * * * * * * *

Saving validity of past assessments purporting to have been fixed under section 52.

5. Any assessment of land revenue heretofore fixed by the Collector, which expressly purports, or may be reasonably held to have been intended, to have been fixed under section 52 shall be valid and deemed to have been fixed under that section as amended by the foregoing section of this Act, and the amounts due according to such assessment shall, until duly revised or altered, continue to be levied.

[2]6-17. * * * * * * *

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[1] For Statement of Objects and Reasons, *see* "*Bombay Government Gazette*", 1901, Pt. V, p. 246; for Report of Select Committee, *see ibid.*, p. 251, and for Proceedings in Council; *see ibid.*, pp. 264, 332 and 364.

[2] Amendments made by sections 2 to 4 and 6 to 17 have been incorporated in Bom. 5 of 1879.

THE CITY OF BOMBAY POLICE ACT, 1902.

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BOMBAY ACT No. IV OF 1902.[1]

[THE CITY OF BOMBAY POLICE ACT, 1902.]

[*9th July 1902.*]

Repealed in part, by Bom. 1 of 1910.

Repealed in part and amended by Bom. 2 of 1917 ;

,, ,, ,, ,, ,, ,, ,, 11 of 1923.

Amended by Act 38 of 1920 ;
,, ,, Bom. 4 of 1905 ;
,, ,, ,, 5 of 1913 ;
,, ,, ,, 3 of 1915 ;
,, ,, ,, 6 of 1920 ;
,, ,, ,, 18 of 1920 ;
,, ,, ,, 5 of 1921 ;
,, ,, ,, 12 of 1926 ;
,, ,, ,, 11 of 1928 ;
,, ,, ,, 21 of 1930 ;
,, ,, ,, 21 of 1933 ;
,, ,, ,, 20 of 1935 ;
,, ,, ,, 1 of 1936 ;
,, ,, ,, 21 of 1936.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 14 of 1938 ;
,, ,, ,, *13 of 1941 ;
,, ,, ,, †3 of 1942 ;
,, ,, ,, ‡17 of 1945 ;
,, ,, ,, §23 of 1945 ;
,, ,, ,, ‖15 of 1946 ;
,, ,, ,, 28 of 1946 ;
,, ,, ,, ¶6 of 1947 ;
,, ,, ,, 59 of 1947 ;
,, ,, ,, 34 of 1948 ;
,, ,, ,, 63 of 1948 ;
,, ,, ,, 25 of 1949.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1902, Pt. VII, p. 49 ; for Report of Select Committee, *see ibid.*, 1902, Pt. VII, p. 58 ; and for Proceedings in Council, *see ibid.*, 1902, Pt. VII, pp. 157, 197 and 275.

* This Act was repealed and sections 2 and 3 thereof were re-enacted by Bom. 59 of 1947, s. 2.

† This Act was repealed and section 2 thereof was re-enacted by Bom. 59 of 1947, s. 2.

‡ This Act has been re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

§ This Act was repealed and re-enacted with certain modifications by Bom. 53 of 1947. Amendments made by this Act came into force on the date on which the Act itself came into force in the Greater Bombay.

‖ Section 6 of this Act is as follows :—

Saving of directions made under section 27 (2A) of Bom. IV of 1902.—Nothing contained in this Act shall affect the validity of any direction made before the commencement of this Act under sub-section (2A) of section 27 of the City of Bombay Police Act, 1902, prohibiting the entry of any person into the Thana District, and a contravention of such direction shall be deemed to be a contravention of a direction made by the Magistrate of the Thana District under sub-section (4) of section 46 of the Bombay District Police Act, 1890.

Bom. IV of 1902.

Bom. IV of 1890.

¶ This Act shall remain in force for a period of three years.

An Act to amend law relating to [1][the Greater Bombay Police].

WHEREAS it is expedient to amend and consolidate the law relating to the Police in the City of Bombay.

AND WHEREAS the previous sanction of His Excellency the Governor General, required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act ;- 55 and 56 Vict., c. 14.

It is enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. (*1*) This Act may be cited as the City of Bombay Police Act, 1902.

Local extent.

(*2*) Sections 27, [2]* 62, 68, 97, 99, 101, [3][102 [4]and 110-A] extend to the whole of the Presidency of Bombay.

(*3*) The rest of the Act extends only to [5][the Greater Bombay].

Repeal of enactments.

2. (*1*) The enactments mentioned in Schedule A are repealed to the extent specified in the fourth column of the said Schedule.

(*2*) All references made in any enactment of the Governor of Bombay in Council to any enactment hereby repealed shall be read as if made to the corresponding provisions of this Act.

Saving of Appointments, etc.

(*3*) All rules prescribed, appointments made, powers conferred and orders and certificates issued under any enactment hereby repealed shall, so far as they are consistent with this Act, be deemed to have been respectively prescribed, made, conferred and issued thereunder.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*a*) the phrases "complaint," "investigation," "offence," "cognizable offence," "non-cognizable offence," "bailable offence" and "non-bailable offence" shall respectively have the meanings assigned thereto by the Code of Criminal Procedure ; V of 1898.

(*b*) "Police officer" shall mean any member of the Police force for [5][the Greater Bombay] appointed under this Act, and shall include the Commissioner of Police, a Deputy or Assistant Commissioner of Police, and subject to the provisions of sub-section (*2*) of sections 9 and 10, an additional or special Police officer ;

(*c*) "officer in charge of a section" shall include, when the Inspector in charge of the section is absent or unable from illness or other cause to perform his duties, the next senior Police officer in the section, or such other officer as the Superintendent of the Division may subject to the sanction of the Commissioner of Police, appoint in that behalf ;

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[1] These words were substituted for the words "the Bombay City Police" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[2] The figures "28" were repealed by Bom. 11 of 1923, s. 13 (*1*), (*a*).

[3] The words, figures, letters and brackets "102, 110A and sub-section (*3*) of section 126A" were substituted for the words and figures "and 102" by s. 2 (*b*) of the City of Bombay Police (Amendment) Act, 1920 (Bom. 6 of 1920).

[4] The word, letter and figures "and 110A" were substituted for the words, letters and figures "110-A and sub-section (*3*) of section 126-A" by Bom. 11 of 1923, s. 13 (*i*) (*a*).

[5] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

(*d*) [1]" cattle " shall, besides horned cattle, include elephants, camels, horses, mares, geldings, ponies, colts, fillies, asses, mules, sheep, lambs, rams, ewes, goats, kids and swine ;

(*e*) " prescribed " shall mean prescribed by any rules made under this Act ;

(*f*) " sign " shall, with reference to a person who is unable to write his name, include " mark " ;

(*g*) " place of public amusement " shall mean any place, enclosure, building, tent, booth, or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game, or the means of carrying on the same, is provided, and to which the public are admitted either on payment of money, or with the intention that money may be collected from those admitted [2]* * * and shall include a race-course, circus, theatre, music hall, billiard-room, bagatelle-room, gymnasium or fencing school ;

(*h*) " place of public entertainment " shall mean any place, whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place ;

and shall include a refreshment-room, eating house, coffee-house, liquor-house, boarding house, lodging-house, hotel, tavern or wine, beer, spirit, arrack, toddy, ganja, bhang, or opium shop ;

(*i*) " street " shall mean any road, footway, square, court, alley or passage, whether a thoroughfare or not, to which the public have permanently or temporarily a right of access ;

(*j*) " public place " shall include the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for purposes of recreation ;

(*k*) " vehicle " shall mean any carriage, cart, van, dray, truck, hand-cart or other wheeled conveyance of any description capable of being used on the streets of [3][the Greater Bombay] and shall include a bicycle, tricycle or automotor car ;

[4](*l*) the expressions " appointment " and " removal ", with their respective grammatical variations used in relation to an office shall, when also used with reference to any member of the Indian Police, be construed to mean respectively, appointment to, and transfer from, the said office ;

[5][(*m*) " subordinate ranks " shall mean any ranks below that of Deputy Superintendent.]

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[1] *Cf.* definition in the Cattle Trespass Act, 1871 (1 of 1871). Central Acts.

[2] The words " otherwise than for a *bona fide* charitable purpose ; " were repealed by s. 2 of the City of Bombay Police (Amendment) Act, 1917 (Bom. 2 of 1917).

[3] These words were substituted for the words " the City " by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[4] Clause (*l*) was added by Bom. 20 of 1935, s. 8.

[5] Clause (*m*) was inserted by the Adaptation of Indian Laws Order in Council.

CHAPTER II.

OF THE POLICE FORCE, AND ADDITIONAL AND SPECIAL POLICE.

Constitution of Police Force.

4. For [1][the Greater Bombay] there shall be a Police force, the strength and constitution of which shall be as may [2]* * * * from time to time be ordered by the [3][Provincial Government].

Direction and supervision of police force to vest in Commissioner of Police.

5. The direction and supervision of the said Police force shall, subject to the control of the [3][Provincial Government], be vested in an officer to be styled the Commissioner of Police for [1][the Greater Bombay],[4]* * *

Appointment of Deputies and Assistants to the Commissioner of Police.

6. (*1*) The [3][Provincial Government] may from time to time appoint one or more Deputy Commissioners of Police and one or more Assistants to the Commissioner of Police. [5]* * * *

Powers of Deputy and Assistant Commissioners and Superintendents.

(*2*) Every such Deputy Commissioner shall be competent to exercise and perform, under the orders of the Commissioner of Police, any of the powers conferred upon and duties assigned to the Commissioner of Police by or under this Act or any other enactment: and every such Assistant Commissioner [6][and a Superintendent appointed under section 7 (*1*)] shall exercise such powers and perform such duties as may from time to time be delegated or assigned to him by the Commissioner of Police:

Provided that the powers conferred upon the Commissioner of Police by sections 22 and 56 shall not be exercisable by a Deputy or Assistant Commissioner [6][or Superintendent] under this sub-section.

Power to dismiss, discharge, reduce, suspend, fine and confine in a police station.

7. [7](*1*) [*Power to appoint and promote.*]

(*2*) The Commissioner of Police may, subject to such rules and in accordance with such procedure as the [3][Provincial Government] may from time to time prescribe in this behalf, at any time—

(*a*) dismiss, discharge, reduce, suspend, or to the extent of half a month's pay fine, any member [8][of the subordinate ranks of

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[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[2] The words "with the sanction of the Government of India" were repealed by s. 3 and Sch. II, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. I of 1910).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "who shall from time to time be appointed by the Governor in Council and may be removed by the same authority" were omitted, *ibid.*

[5] The words "Any Deputy or Assistant Commissioner so appointed may be at any time removed by order of the Governor in Council," were omitted, *ibid.*

[6] These words, figures and brackets were inserted by s. 2 of the City of Bombay Police (Second Amendment) Act, 1920 (Bom. 18 of 1920).

[7] Sub-section (*1*) was omitted by the Adaptation of Indian Laws Order in Council.

[8] These words were substituted for the words "of the Police force other than a Deputy or Assistant Commissioner", *ibid.*

the Police force] for neglect or violation of duty, or for any breach of any rules or orders issued by him under this Act, or for gross misconduct while on leave ; or

(*b*) punish by confinement in a police station for a period not exceeding three days any member of the Police force below the rank of Havaldar who is in his presence grossly insubordinate or insolent :

[1]* * * * *

(*3*) Nothing in sub-section (*2*) shall affect any Police officer's liability to a criminal prosecution for any offence with which he may be charged. Saving clause.

8. (*1*) Every Police officer [2][belonging to the subordinate ranks of the Police force] shall, on appointment, receive a certificate in the form of Schedule B under the signature of the Commissioner of Police and shall, in virtue of such certificate, be vested with the powers, functions, privileges and responsibilities of a Police officer. Certificates to be given to Police officers belonging to the subordinate ranks of the Police force.

(*2*) Every certificate shall become null and void whenever the person named therein ceases, for any reason, to belong to the Police force.

(*3*) The powers, functions and privileges invested in a Police officer shall be temporarily suspended whilst such Police officer is suspended from office. Such Police officer shall not, by reason of such suspension, cease to be a Police officer, but shall continue subject to the same responsibilities and disabilities, and subject to the same authorities, as if no such suspension had taken place. Effect of suspension of Police officer.

9. (*1*) The [3][Provincial Government] may [4]* * * appoint, for such time and on such pay, and of such rank or grade, as [5][it] shall think fit, additional Police officers to keep the peace or preserve order at any place, or to enforce any of the provisions of this or any other Act in respect of any particular class or classes of offences,— Power to appoint additional Police officers.

(*a*) on the application of any person, at the charge of such person, or

(*b*) without such application, at the charge of any person for whose profit or benefit any large work, or any public amusement, likely to impede traffic or attract a large concourse of people, is being carried on.

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[1] The proviso to sub-section (*2*) was omitted by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "appointed by the Commissioner of Police", *ibid.*

[3] The words "Provincial Government" were substituted for the words "Commissioner of Police", *ibid.*

[4] The words "in his discretion" were omitted, *ibid.*

[5] The word "it" was substituted for the word "he", *ibid.*

(2) Every additional Police officer so appointed shall, on appointment,—

(a) receive a certificate in the prescribed form;

(b) be vested with all or such of the powers, privileges and duties of a Police officer as are specially mentioned in the certificate; and

(c) be subject to the orders of the Commissioner of Police.

Notice to be given for discontinuance.

(3) In any case in which such Police officers are appointed on the application of any person, such person may, by giving notice in writing, require that on the expiry of one month from the receipt by the Commissioner of Police of such notice or on the expiry of such shorter period as the Commissioner of Police may fix, the appointment of such Police officers shall cease.

Payments to be accounted for.

(4) All moneys received by the Commissioner of Police for the payment of any such additional Police officers shall be accounted for by him.

Disputes as to payment of cost.

(5) In the event of any dispute in any case under this section the decision of the Chief Presidency Magistrate shall be conclusive as to the amount to be paid, and as to the person by whom it is to be paid, and the sum so ascertained may, on the requisition of the Commissioner of Police, be recovered by the Collector from such person as an arrear of land revenue.

Employment of additional Police in cases of special danger to public peace.

[1][9A. (1) The Provincial Government may from time to time, by notification in the *Official Gazette*, direct the employment of additional police for such period as it shall think fit in any area in Greater Bombay which appears to it to be in a disturbed or dangerous state, or in which the conduct of the inhabitants or of any particular section of the inhabitants, in its opinion, renders it expedient temporarily to increase the strength of the police.

(2) The Provincial Government may require—

(a) in the City of Bombay, the Municipal Commissioner, the Collector or any other authority,

(b) in an area outside the City of Bombay but within the limits of a municipality, the municipality, the Collector or any other authority, and

(c) in an area outside the City of Bombay and not within the limits of a municipality, the Collector or any other authority,

to recover either in whole or in part the cost of such additional police and where the Municipal Commissioner or the municipality is required to recover such cost an additional sum not exceeding three per cent. of the amount of such cost, generally from all persons who are inhabitants of the area to which such notification applies or specially from any particular section or sections, or class or classes of such persons, and in such proportions as the Provincial Government may direct.

(3) (i) The Provincial Government may require the Municipal Commissioner to recover such cost and the additional sum by an addition to the general tax which shall be imposed and levied in all or such of the

[1] Section 9A was inserted by Bom. 59 of 1947, s. 4 (1).

municipal wards, sub-wards or sections thereof, as the Provincial Government may direct. Every addition to the general tax imposed under this sub-section shall be recovered by the Municipal Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 147 and 148 of the City of Bombay Municipal Act, 1888, shall apply to any such addition as if it were part of the general tax levied under the said Act.

Bom. III of 1888.

(*ii*) The Provincial Government may also require the Municipal Commissioner to recover such cost and the additional sum from each person liable therefor under sub-section (*2*) in such manner as the Provincial Government may direct.

(*4*) The Provincial Government may require a municipality outside the City of Bombay to assess and recover such cost and the additional sum by a tax or by a rate which the municipality shall impose and levy from such persons, sections or classes of persons and in such proportions as the Provincial Government may direct. Every tax or rate so imposed and levied shall be recovered by such municipality from each person liable therefor in the same manner as a municipal tax due by him :

Provided that where a municipality makes default in imposing and levying any such tax or rate or in making any such recovery, the Provincial Government may direct the Collector to impose and levy such tax or rate or to make such recovery.

Every such tax or rate imposed and levied by the Collector shall be recoverable by the Collector as if it were an arrear of land revenue due by the person liable therefor.

(*5*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*6*) It shall be lawful for the Provincial Government by order to exempt any person from liability to bear any portion of the cost of such additional police.

(*7*) Out of the total amount recovered by the Municipal Commissioner or by the municipality under sub-section (*3*) or (*4*) whether before or after the coming into operation of the Bombay District Police and the City of Bombay Police (Amendment) Act, 1947, the amount of cost shall be paid to the Provincial Government and the balance, if any, shall be credited to the municipal fund constituted under section 111 of the City of Bombay Municipal Act, 1888, or section 51 of the Bombay District Municipal Act, 1901, or section 65 of the Bombay Municipal Boroughs Act, 1925, as the case may be. Such amount of cost shall be paid to the Provincial Government every three months.

Bom. LIX of 1947. Bom. III of 1888. Bom. III of 1901. Bom. XVIII of 1925.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.]

10. (*1*) The Commissioner of Police, of his own authority, may at any time appoint any able-bodied male person between the ages of 18 and 55 to be a special Police officer to assist the Police force on any occasion when he has reason to apprehend the occurrence of any riot or grave

Appointment of special Police officers.

disturbance of the peace and he is of opinion that the ordinary Police force is not sufficient for the protection of the inhabitants and for the security of property.

(2) Every special Police officer so appointed shall, on appointment,—

(a) receive a certificate in the prescribed form;

(b) have the same powers, privileges and protection as a Police officer;

(c) perform all such duties as may be assigned to him by the Commissioner of Police; and

(d) be subject to the orders of the Commissioner of Police.

Refusal to serve or perform duties.

(3) Any person who having been appointed a special Police officer under this section shall, without sufficient excuse, neglect or refuse to serve as such or to obey any lawful order or direction that may be given to him for the performance of his duties, shall be punished with fine which may extend to fifty rupees.

Constitution of divisions and section.

11. (1) Subject to the control of the [1][Provincial Government], the Commissioner of Police shall—

(a) constitute within [2][the Greater Bombay] such and so many Police divisions,

(b) sub-divide the same into so many and such sections, as to him shall seem fit, and

(c) define the limits and extent of such divisions and sections.

Officers in charge of divisions and sections.

(2) Each such division shall be in charge of a Superintendent of Police and each such section shall be in charge of an Inspector of Police.

Power of Commissioner of Police to issue orders as to organization, etc.

12. Subject to the control of the [1][Provincial Government], the Commissioner of Police may issue such orders as he may deem expedient—

(a) relating to the recruitment, organisation, instruction, classification, discipline and general government of the force;

(b) determining the description and quantity of the arms, accoutrements and other necessaries to be furnished to the Police; and

(c) providing for the institution, management, and regulation of any Police fund.

Power of Commissioner of Police to make rules regulating duties of Police officers, etc.

13. (1) Subject to the control of the [1][Provincial Government], the Commissioner of Police may make rules not inconsistent with this Act, or with any other enactment for the time being in force,—

(a) assigning duties to Police officers of all ranks and grades, and prescribing—

(i) the manner in which, and

(ii) the conditions subject to which, they shall exercise and perform their respective powers and duties;

(b) prescribing the places of residence and the location of members of the force;

(c) regulating or restricting the collection and communication of intelligence and information; and

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, sec. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

(*d*) prescribing the forms of certificates to be received by additional Police officers and special Police officers.

(*2*) A copy of the rules for the time being in force under this section shall be kept in every Police station.

14. (*1*) No Police officer shall resign his office or withdraw himself from the duties thereof without the written permission of the Commissioner of Police[1] and, except in the case of a special Police officer, until, save with such permission,— No Police officer to resign or withdraw without permission or previous notice.

(*a*) the expiration,—

(*i*) if such member be a member of the mounted Police, of six months, or,

(*ii*) in any other case, of two months,

after written notice of his intention so to do has been received from him by the Commissioner of Police ; and

(*b*) he has fully discharged any debt due by him as a Police officer to [2][the Crown] or to any Police fund.

(*2*) A Police officer, who being absent on leave fails without reasonable cause to report himself for duty on the expiration of such leave, shall be deemed, within the meaning of this section, to withdraw himself from the duties of his office :

Provided that if any Police officer produces a certificate, signed by the Police Surgeon or by a medical officer holding a gazetted appointment under [2][the Crown], declaring such Police officer to be unfit by reason of any disease or mental or physical incapacity for further service in the Police, the necessary written permission to resign shall forthwith be granted to him on his discharging, or giving security satisfactory to the Commissioner of Police for the payment of, [1]any such debt as aforesaid due from such Police officer. Saving in case of disease, etc.

15. (*1*) Every person appointed under this Act to be a member of the Police force shall, on ceasing to be a member thereof, forthwith deliver up to the Commissioner of Police, or to such person and at such place as he may direct,— Certificate, arms, etc., to be delivered up by person ceasing to be a Police officer.

(*a*) his certificate, and

(*b*) all clothing, arms, accoutrements and other necessary articles furnished to him for the execution of his duty.

(*2*) The Commissioner of Police or any Magistrate may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessary articles not delivered up as required by sub-section (*1*). Warrant for seizure of same.

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[1] The Police (Resignation of Office) Ordinance, 1942 (Ordinance No. 11 of 1942), which provided that in section 14 of the City of Bombay Police Act, 1902, in sub-section (*1*), the words beginning with "and except in the case of a special Police officer" and ending with the end of the sub-section shall be omitted and in sub-section (*2*), for the words "any such debt as foresaid due from such Police officer" the words "any debt due by him as a Police officer to the Crown or to any Police fund" shall be substituted, ceased to be in force with effect from the 1st day of October 1946 by operation of the provisions of section 102 (*4*) read with section 311 (*6*) of the Government of India Act, 1935. The original portion in sub-sections (*1*) and (*2*) has, therefore, been restored.

[2] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*3*) Every warrant so issued shall be executed in accordance with the provisions of this Act by a Police officer or, if the authority issuing the same so directs, by any other person.

Exception in case of private property.

(*4*) Nothing in this section shall be deemed to apply to any article which under the orders of the Commissioner of Police, has become the property of the person to whom the same was furnished.

Police officer to be deemed always on duty.

16. Every Police officer not on leave or under suspension shall for all the purposes of this Act be deemed to be always on duty throughout [1][the Greater Bombay].

Conditions of service.

[2][**16A.** Save as otherwise provided by or under this Act, and subject to any law for the time being in force, all matters relating to the recruitment, pay, allowances and other conditions of service of police officers [3][of the subordinate ranks] shall be regulated by the Bombay Civil Services [4][Rules or such other rules as may from time to time be made by the Provincial Government].]

Police officer prohibited from other employment.

17. No Police officer other than a special Police officer shall, without the permission of the [5][Provincial Government], either as principal or agent,—

(*a*) engage in any trade,

(*b*) be in any way concerned in the purchase or sale of any immovable property within [1][the Greater Bombay] or of any interest therein, or

(*c*) hold any office or practise any profession or engage in any employment whatever other than his office or duties as such Police officer.

Offences by Police officers.

18. Any Police officer who,—

(*a*) contravenes any provision of section 17,

(*b*) is guilty of cowardice,

(*c*) resigns his office or withdraws himself from the duties thereof in contravention of section 14,

(*d*) is guilty of any wilful breach or neglect of any provision of law or of any rule or order which it is his duty as such Police officer to observe or obey, or

(*e*) is guilty of any violation of duty for which no punishment is expressly provided by any other law in force,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Vexatious entry, search, arrest, etc., by Police officers.

19. Any Police officer who,—

(*a*) without lawful authority or reasonable cause, enters or searches, or causes to be entered or searched, any building, vessel, tent or place,

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[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, sec. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[2] This section was inserted by Bom. 20 of 1935, s. 9.

[3] These words were substituted for the words "of and below the grade of the Inspector" by the Adaptation of Indian Laws Order in Council.

[4] These words were substituted for the words "Rules for the time being in force", *ibid.*

[5] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

(*b*) vexatiously and unnecessarily seizes the property of any person,

(*c*) vexatiously and unnecessarily detains, searches or arrests any person,

(*d*) vexatiously and unnecessarily delays forwarding any person arrested to a Magistrate or to any other authority to whom he is legally bound to forward such person,

(*e*) offers any unnecessary personal violence to any person in his custody, or

(*f*) holds out any threat or promise not warranted by law to an accused person,

shall for every such offence be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

False statement to obtain employment.

20. Any person who knowingly makes a false statement or uses a false document for the purpose of obtaining for himself or any other person employment or release from employment as a Police officer, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Saving in regard to District and Railway Police.

III of 1888.

21. Subject to the provisions of the [1]Police Act, 1888, and save in so far as the operation of this section may be temporarily suspended by the special order of the [2][Provincial Government], nothing in this Chapter shall be deemed to affect any officers of the District or Railway Police employed within the limits of [3][the Greater Bombay] on Police functions connected with the administration of any district or railway, as the case may be, and any such Police officer shall in the discharge of such functions be vested with the powers and privileges, and be subject to the liabilities, of a Police officer of the establishment to which he belongs.

CHAPTER III.

POLICE REGULATIONS.

Rules for preservation of order.

Power to make rules for regulation of traffic and for preservation of order in public places, etc.

22. (*1*) [4][In the case of rules under [5][clauses (*b*) and (*c*)], subject to the control of the [2][Provincial Government], and in other cases] with the previous sanction of the [2][Provincial Government], the Commissioner of Police may from time to time make, alter or rescind rules not inconsistent with this Act,—

(*a*) for licensing and controlling persons offering themselves for employment at quays, wharves and landing-places, and outside

[1] Central Acts.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, section 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[4] These words were inserted by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[5] The words, letters and brackets "clauses (*b*) and (*c*)" were substituted for the words letter and brackets "clause (*b*)" by Bom. 21 of 1930, s. 3.

Railway stations, for the carriage of passengers' baggage, and fixing and providing for the enforcement of a scale of charges for the labour of such persons so employed;

(*b*) regulating traffic of all kinds in streets and public places, and the use of streets and public places by persons riding, driving, cycling, walking or leading or accompanying cattle, so as to prevent danger, obstruction or inconvenience to the public;

(*c*) regulating the conditions under which vehicles may remain standing in streets and public places, and the use of streets as halting places for vehicles or cattle;

(*d*) prescribing the number and position of lights to be used on vehicles in streets and public places, and regulating and controlling the manner and mode of conveying timber, scaffold poles, ladders, iron girders, beams or bars, boilers or other unwieldy articles through the streets, and the route and hours for such conveyance;

(*e*) prescribing, subject to any notice issued by the Municipal Commissioner under clause (*c*) of section 441 of the City of Bombay Municipal Act, 1888, the roads along which, and the hours during which, corpses may, or may not, be carried; Bom. III of 1888.

(*f*) for licensing, controlling or, in order to prevent the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers in the vicinity, prohibiting,—

(*i*) the keeping of places of public amusement or entertainment,

(*ii*) the playing of music in streets and public places,

[1][(*iia*) the using of a loud-speaker in any public place or place of public entertainment],

(*iii*) the illumination of streets and public places and the exteriors of buildings abutting thereon by persons other than [2][servants of the Crown or Municipal officers] duly authorized in that behalf,

(*iv*) the carrying in streets and public places of gunpowder or any other explosive substance, and

(*v*) the blasting of rocks;

(*g*) regulating the means of entrance and exit at places of public amusement, entertainment and assembly, and providing for the maintenance of public safety and the prevention of disturbance therein [3]*;

[4][(*gg*) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place of public amusement];

(*h*) prescribing the procedure in accordance with which any licence or permission sought to be obtained or required under this Act should be applied for, and fixing the fees to be charged for any such licence or permission:

Saving of provisions of Bombay Abkari Act and other enactments.

Provided, [5]* * * that nothing in this section and no licence granted under any rule made thereunder shall authorize any person to import, export, transport, manufacture, sell or possess any liquor or intoxicating

[1] Clause (*iia*) was inserted by Bom. 34 of 1948, s. 3. (*1*).

[2] These words were substituted for the words "Government or Municipal officers", *ibid.*

[3] The word "and" was deleted by Bom. 59 of 1947, s. 4 (*2*) (*i*).

[4] Clause (*gg*) was inserted, *ibid*, s. 4 (*2*) (*ii*).

[5] The word "*firstly*" was deleted *ibid*, s. 4 (*2*) (*iii*).

drug, in respect of which a licence, permit or pass is required under the Bombay Abkari Act, 1878, or under any other law for the time being in force relating to the Abkari revenue, or shall affect the liability of any person under any such law, or shall in any way affect the provisions of the [1]Arms Act, 1878, or of the [1]Explosives Act, 1884, or of any rules made under either of those enactments, or the liability of any person thereunder :

Bom. V of 1878.

XI of 1878. IV of 1884.

2* * * * * * *

(2) The power of making, altering or rescinding rules under sub-section (1) shall be subject to the condition of the rules being made, altered or rescinded after previous publication in the manner specified in section 23 of the [1]General Clauses Act, 1897, and every rule made, or alteration or rescission of a rule made, under the said sub-section and sanctioned by the [3][Provincial Government], shall be published in the [4][*Official Gazette*] and in the manner specified in section 137.

X of 1897.

Provisions as to publication of rules.

(3) Notwithstanding anything hereinbefore contained in this section or which may be contained in any rule made thereunder, it shall always be lawful for the Commissioner of Police to refuse a licence for, or to prohibit, the keeping of any place of public amusement or entertainment by a person of notoriously bad character,

Power of Commissioner of Police to prohibit keeping of place of public amusement or entertainment.

Special Orders.

23. (1) The Commissioner of Police and, subject to the orders of the Commissioner of Police, every Police officer not inferior in rank to an Inspector may, from time to time as occasion may require, but not so as to contravene any rule under the preceding section, give all such orders either orally or in writing as may be necessary to—

Powers of Commissioner of Police and of other officers to give directions to the public.

(a) direct the conduct of, and behaviour or action of persons constituting, processions and assemblies in streets ;

(b) prescribe the routes by which and the times at which any such processions may, or may not, pass ;

(c) prevent obstructions on the occasion of all processions and assemblies and in the neighbourhood of all places of worship during the time of public worship, and in all cases when any street or public place or place of public resort may be thronged or liable to be obstructed ;

(d) keep order on and in all streets, quays, wharves, landing-places and all other public places or places of public resort ;

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[1] Central Acts.

[2] The second proviso was deleted by Bom. 59 of 1947, s. 4 (2) (iii).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

(*e*) regulate and control music or singing in any street or public place, and the beating of drums, tom-toms and other instruments and the blowing or sounding of horns or other noisy instruments, in or near any street or public place ; [1]*

[2](*f*) * * * * * * *

Power to give prohibitions for prevention of disorder.

(*2*) The Commissioner of Police may also, whenever and for such time as he shall consider necessary for the preservation of the public peace or public safety by a notification publicly promulgated or addressed to individuals, prohibit—

[3][(*a*) the carrying in any public place of—

(*i*) swords, spears, bludgeons, guns, knives, sticks or lathis, or

(*ii*) any other weapon which is capable of being used as a weapon of offence ;] [4][or

(*iii*) any corrosive substance ; or

(*iv*) any explosive] ;

[5][and if any person goes armed with any such weapon or carries any corrosive substance or explosive in contravention of such prohibition, he shall be liable to be disarmed or the corrosive substance or explosive shall be liable to be seized from him by any Police officer and the weapon or corrosive substance or explosive so seized shall be forfeited to the Provincial Government] ;

(*b*) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles ;

(*c*) the exhibition of persons or of corpses, or figures, or effigies, in any public place ;

(*d*) the public utterance of cries, singing of songs, playing of music ; and

(*e*) the delivery of harangues, the use of gestures or mimetic representations, and the preparation, exhibition or dissemination of pictures, symbols, placards, or of any other object or thing, which may be of a nature to outrage morality or decency, or which, in the opinion of the Commissioner of Police, may probably inflame religious animosity or hostility between different classes, or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority.

Power to prohibit assembly or procession.

(*3*) The Commissioner of Police may also by order in writing prohibit any assembly or procession whenever and for so long as he considers such prohibition to be necessary for the preservation of the public peace or public safety :

Provided that no such prohibition shall remain in force for more than seven days without the sanction of the [6][Provincial Government].

Power to reserve street or public place for public purpose.

(*4*) The Commissioner of Police may also, [7]* * * by public notice, temporarily reserve for any public purpose any street or public place, and prohibit persons from entering the area so reserved, save under such conditions as may be prescribed by the Commissioner of Police.

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[1] The word "or" was deleted by Bom. 34 of 1948, s. 3 (*2*).

[2] Clause (*f*) was deleted, *ibid*.

[3] This clause was substituted for the original by Bom. 3 of 1942, s. 2, read with Bom. 59 of 1947, s. 2 (*2*).

[4] These words, brackets and figures were inserted by Bom. 6 of 1947, s. 28 (*2*).

[5] This portion was added by Bom. 59 of 1947, s. 4 (*3*).

[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[7] The words "subject to the orders of the Governor in Council" were repealed by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[1][23A. (*1*) If at any time the Commissioner of Police is satisfied from the report of an officer in charge of a section or other information received by him that it is necessary to do so in order to prevent annoyance, disturbance, discomfort or injury or risk of annoyance, disturbance, discomfort or injury to the public or to any persons who dwell or occupy property in the vicinity, he may by a written order issue such directions as he may consider necessary to any person for preventing, prohibiting, controlling or regulating,— **Power of Commissioner of Police to prohibit, etc., continuance of music, sound or noise.**

(*a*) the incidence or continuance in or upon any premises of—

(*i*) any vocal or instrumental music,

(*ii*) sounds caused by the playing, beating, clashing, blowing or use in any manner whatsoever of any instrument, appliance, apparatus or contrivance which is capable of producing sound,

or

(*b*) the carrying on, in or upon any premises of any trade, avocation or operation resulting in or attended with noise.

(*2*) Any order made under sub-section (*1*) shall be served in the manner provided for the service of summons by sections 89 to 91.

(*3*) The Commissioner of Police may, either on his own motion or on the application of any person aggrieved by an order made under sub-section (*1*), either rescind, modify or alter any such order :

Provided that before any such application is disposed of, the Commissioner of Police shall afford to the applicant an opportunity of appearing before him either in person or by pleader and showing cause against the order, and shall, if he rejects any such application either wholly or in part, record his reasons for such rejection.]

24. (*1*) In order to prevent or suppress any riot or grave disturbance of the peace, the Commissioner of Police may temporarily close or take possession of any building or place, and may exclude all or any persons therefrom, or may allow access thereto to such persons only and on such terms as he shall deem expedient. All persons concerned shall be bound to conduct themselves in accordance with such orders as the Commissioner of Police may make and notify in the exercise of the authority hereby vested in him. **Issue of orders by Commissioner of Police for prevention of riot, etc.**

(*2*) If the lawful occupier of such building or place suffers substantial loss or injury by reason of the action of the Commissioner of Police under this section, he shall be entitled, on application made to the Commissioner within one month from the date of such action, to receive reasonable compensation for such loss or injury, unless such action was in the opinion of the Commissioner of Police rendered necessary either by the use to which such building or place was put or intended to be put or by the misconduct of persons having access thereto. **Compensation to lawful occupier of building or place closed or taken possession of by Commissioner of Police.**

(*3*) In the event of any dispute in any case under sub-section (*2*) the decision of the Chief Presidency Magistrate shall be conclusive as to the amount (if any) to be paid, and as to the person to whom it is to be paid. **Disputes as to compensation to be settled by Chief Presidency Magistrate.**

[1] Section 23A was inserted by Bom. 34 of 1948, s. 3 (*3*).

Issue of orders for maintenance of order at religious ceremonials, etc.

25. (*1*) In any case of an actual or intended religious or ceremonial or corporate display or exhibition or organised assemblage in any street or public place, as to which or the conduct of or participation in which it shall appear to the Commissioner of Police that a dispute or contention exists which is likely to lead to grave disturbance of the peace, the Commissioner of Police may give such orders as to the conduct of the persons concerned towards each other and towards the public as he shall deem necessary and reasonable under the circumstances, regard being had to the apparent legal rights and to any established practice of the parties and of the persons interested. Every such order shall be published in the section or place wherein it is to operate, and all persons concerned shall be bound to conform to the same.

Orders to be subject to decrees, etc., of Courts.

(*2*) Any order under sub-section (*1*) shall be subject to a decree, injunction or order made by a Court having jurisdiction, and shall be recalled or altered on its being made to appear to the Commissioner of Police that it is inconsistent with a judgment, decree, injunction or order of such Court, on the complaint, suit or application of any person interested, as to the rights and duties of any persons affected by the order aforesaid.

Police to prevent disorder at places of public amusement, etc.

26. (*1*) For the purpose of preventing serious disorder or breach of the law or manifest and imminent danger to the persons assembled at any place of public amusement or at any assembly or meeting to which the public are invited or which is open to the public, the Police officer of highest rank, superior to that of Havaldar, present [1][at] such place of public amusement [2]* * or such assembly or meeting [3]* * * may, subject to such rules and orders as may have been lawfully made, give such reasonable directions, as to the mode of admission of the public to, and for securing the peaceful and lawful conduct of persons attending [4][and the maintenance of the public safety] at, such place or such assembly or meeting, as he thinks necessary; and all persons shall be bound to conform to every such reasonable direction.

Police to have free access thereto.

(*2*) The Police shall have free access to every such place of public amusement, assembly or meeting, for the purpose of giving effect to the provisions of sub-section (*1*) and to any direction made thereunder.

Dispersal of gangs and bodies of persons.

27. (*1*) Whenever it shall appear to the Commissioner of Police

Removal of persons from the Greater Bombay.

[5][(*a*) that the movements or acts of any person in [6][the Greater Bombay] are causing or calculated to cause alarm, danger or harm to person or property, or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence, or an offence punishable under Chapters XII, XVI or XVII of the Indian Penal Code, or in the abetment of any such offence, and when in the opinion of the XLV of 1860.

[1] This word was substituted for the words "in the section in which" by s. 2 (*a*) of the Bombay District and City Police (Amendment) Act, 1913 (Bom. 5 of 1913).

[2] The words "is situate" were repealed by s. 2 (*b*), *ibid.*

[3] The words "is to be held" were repealed, *ibid.*

[4] These words were inserted by s. 2 (*c*), *ibid.*

[5] Clauses (*a*) and (*b*) were substituted for the original words by Bom. 14 of 1938, s. 2 (*1*) (*i*).

[6] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

Commissioner witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property; or

(*b*) that an outbreak of epidemic disease is likely to result from the continued residence in [1][the Greater Bombay] of an immigrant;

the Commissioner of Police [2]* * * may, by [3][an order in writing duly served on him or] beat of drum or otherwise as he thinks fit, direct [4][such person or immigrant] so to conduct [5][himself] as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to [6]* * remove [5][himself] [7][outside the Province or to such place within the Province and by such route], and within such time, as the Commissioner of Police shall prescribe [8][and not to enter the Province or, as the case may be, the Greater Bombay].

Removal of convicted beggars.

(*2*) It shall also be competent to the Commissioner of Police to direct the removal [9][and prohibit the entry] in like manner of any person who has been twice convicted of an offence under section [10][6, 9 or 23 of the Bombay Beggars Act, 1945,] [11][or under the Bombay Prevention of Prostitution Act, 1923] [12][or of any person who has been thrice convicted within a period of three years of an offence punishable either under section 4 or section 12A of the Bombay Prevention of Gambling Act, 1887] or [13][under the Bombay Prohibition Act, 1949] or the Dangerous Drugs Act, 1930.]

Removal of persons convicted of certain offences.

[14][(*2A*) It shall be further competent to the Commissioner of Police to direct any person who, not having been born in [15][the Greater Bombay] [16]* * * * has been convicted [17][of any offence] punishable [18][under—

(*i*) Chapter XII, XVI or XVII of the Indian Penal Code,

[19][(*ii*) section 65 or 68 of the Bombay Prohibition Act, 1949,]

(*iv*) Chapter III of the Dangerous Drugs Act, 1930, or

(*v*) section 4 or 12A of the Bombay Prevention of Gambling Act, 1887,]

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[1] These words were substituted for the word "the city" by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[2] The words "with the sanction of the Governor in Council" were repealed by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. 3 of 1915).

[3] These words were inserted by Bom. 14 of 1938, s. 2 (*1*) (*iv*).

[4] These words were substituted for the words "the members of such gang or body or such immigrants", *ibid.*, s. 2 (*1*) (*ii*).

[5] This word was substituted for the word "themselves", *ibid.*, s. 2 (*1*) (*iii*).

[6] The words "disperse and" were deleted, *ibid.*, s. 2 (*1*) (*v*).

[7] These words were substituted for the words "to such place or places, by such route or routes" by Bom. 15 of 1946, s. 2 (*a*).

[8] These words were added by Bom. 34 of 1948, s. 3 (*4*) (*a*).

[9] These words were inserted, *ibid.*, s. 3 (*4*) (*b*).

[10] These figures and words were substituted for the figures "121" by Bom. 23 of 1945, s. 34 (*1*) (*i*) read with Bom. 53 of 1947, s. 2.

[11] These words and figures were inserted by Bom. 34 of 1948, s. 3 (*4*) (*b*).

[12] These words, figures and letter were added by Bom. 1 of 1936, s. 11.

[13] These words and figures were substituted for the original by Bom. 25 of 1949, s. 148 and Sch. II.

[14] Sub-sections (*2A*) and (*2B*) were inserted by Bom. 21 of 1933, s. 2 (*i*).

[15] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[16] The words "or the Bombay Suburban District" were deleted, *ibid.*

[17] These words were substituted for the words "more than twice of offences" by Bom. 15 of 1946, s. 2 (*b*).

[18] This portion was substituted for the original by Bom. 63 of 1948, s. 3.

[19] This clause was substituted for clauses (*i*) and (*iii*) by Bom. 25 of 1949, s. 148 and Sch. II.

to remove himself in like manner from [1][the Greater Bombay] and not to enter [2][the Greater Bombay] [3]* * * *

Decision of the Commissioner of Police regarding the place of birth final.

[4][(*2B*) For the purpose of sub-section (*2A*), the decision of the Commissioner of Police that a person has or has not been born in [1][the Greater Bombay] [5]* * shall be final.]

Proclamation of emergency.

[6][(*2C*) (*i*) The Provincial Government may, if satisfied that the public peace or tranquillity in [1][the Greater Bombay] or in any part thereof is disturbed or is likely to be disturbed in consequence of a conflict between different communities or sections thereof or gangs or factions, declare, by a proclamation (hereinafter referred to as "the proclamation of emergency") in the *Official Gazette* that an emergency exists.

(*ii*) A proclamation of emergency—

(*a*) may at any time be revoked by a subsequent proclamation, and

(*b*) shall cease to operate at the expiration of one month, unless before the expiration of that period it has been renewed.

(*iii*) After the Provincial Government has issued under clause (*i*) a proclamation of emergency, the Commissioner of Police, whenever it appears to him that the presence, movements or acts of any person in [1][the Greater Bombay] is or are causing or calculated to cause danger or alarm, or that a reasonable suspicion exists that designs, calculated to disturb public peace or tranquillity are entertained by such person, may—

[7][(*1*) by an order in writing duly served on him or beat of drum or otherwise, as he thinks fit, direct such person—

(*a*) so to conduct himself as the Commissioner of Police shall deem necessary in order to prevent the disturbance of the peace,

or

(*b*) to remove himself outside the Province or to such place within the Province and by such route and within such time, as the Commissioner of Police shall prescribe, [8][and not to enter the Province or, as the case may be, the Greater Bombay],

or

(*2*) by an order in writing direct that he be detained for a period not exceeding fifteen days at a time :

Provided that the total period of detention shall not without the order of the Provincial Government in any case exceed two months :

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[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[2] These words were substituted for the words "the said City", *ibid.*

[3] The words "and if such person was not born in the Thana District, not to enter the Thana District also. A copy of such direction shall be forwarded to the Magistrate of the Thana District" were deleted by Bom. 15 of 1946, s. 2 (*b*).

[4] Sub-sections (*2A*) and (*2B*) were inserted by Bom. 21 of 1933, s. 2 (*i*).

[5] The words "or the Thana District" were deleted by Bom. 15 of 1946, s. 2 (*c*).

[6] This sub-section was inserted by Bom. 14 of 1938, s. 2 (*2*).

[7] This portion was substituted for the original by Bom. 15 of 1946, s. 2 (*d*).

[8] These words were added by Bom. 34 of 1948, s. 3 (*4*) (*c*).

Provided further that any order made under this clause shall cease to have effect on the proclamation of emergency ceasing to operate.]

[1][(*iv*) The Commissioner of Police shall forthwith submit to the Provincial Government a copy of every order of detention made under clause (*iii*) together with the grounds on which it is made.

(*v*) So long as there is in force in respect of any person an order of detention passed under clause (*iii*), he shall be liable to be detained in such place and under such conditions as to maintenance, discipline and the punishment of offences and breaches of discipline as the Provincial Government may from time to time prescribe by rules made in this behalf.]

Procedure on failure of persons to leave Greater Bombay and his entry therein after removal.

[2][(*3*) If a person to whom a direction has been issued under this section to remove himself from Greater Bombay—

(*i*) fails to remove himself as directed,

or

(*ii*) having so removed himself, except with the permission in writing of the Commissioner of Police, enters Greater Bombay—

(*a*) if the direction was issued under sub-section (*1*), within two years from the date of his removal,

(*b*) if the direction was issued under sub-section (*2*) or (*2A*), at any time,

(*c*) if the direction was issued under sub-section (*2C*) during the continuance of the proclamation of emergency,

the Commissioner of Police may cause him to be arrested and removed in police custody to such place outside Greater Bombay as he may in each case prescribe.

(*3A*) Notwithstanding anything contained in sub-section (*3*) any person [3][(*i*) who enters] Greater Bombay in the circumstances specified in clause (*ii*) thereof, or after having been removed therefrom under the provision of the said clause [4][or (*ii*) who, in contravention of a direction issued under this section, enters any place in the Province] shall be punished with imprisonment for a term which may extend to two years but shall not, except for reasons to be recorded in writing, be less than six months and shall also be liable to fine.]

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[1] Clauses (*iv*) and (*v*) were substituted for the original clauses (*iv*), (*v*), (*vi*) and (*vii*) by Bom. 15 of 1946, s. 2 (*c*).

[2] Sub-sections (*3*) and (*3A*) were substituted for the original sub-section (*3*), *ibid.*, s. 2 (*f*).

[3] These brackets, figure and words were substituted for the word "entering" by Bom. 34 of 1948, s. 3 (*4*) (*d*) (*i*).

[4] These words, brackets and figures were inserted, *ibid.*, s. 3 (*4*) (*d*) (*ii*).

[1][(*4*) Before an order under sub-section (*1*), (*2*) or (*2A*) is passed against any person, the Commissioner of Police or any officer authorised by him not below the rank of a Superintendent shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. If such person makes an application for the examination of any witness produced by him, the Commissioner of Police or such officer shall grant such application and examine such witness, unless for reasons to be recorded in writing, he is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record. Such person shall be entitled to appear before the Commissioner of Police or the said officer by an advocate or attorney for the purpose of explaining the allegations against him and for the purpose of examination of witnesses produced by him.

(*5*) The Commissioner of Police or the officer authorised under sub-section (*4*) may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (*1*), (*2*) or (*2A*), exercise all or any of the powers of a Court under sections 75 to 77 of the Code of Criminal Procedure, 1898. After such person is brought before the Commissioner of Police, the Commissioner may release him on bail with or without sureties or may from time to time authorise his detention in such custody as he thinks fit for a period not exceeding 15 days at a time. V of 1898.

(*6*) Any person aggrieved by an order made by the Commissioner of Police under sub-section (*1*), (*2*) or (*2A*) may appeal to the Provincial Government within thirty days from the date of such order.

(*7*) An order passed by the Commissioner of Police under sub-section (*1*), (*2*) or (*2A*) or by the Provincial Government under sub-section (*6*) shall not be called in question in any Court except on the ground that the Commissioner of Police or the officer authorized by him under sub-section (*4*) had not followed the procedure laid down in the said sub-section or that there was no material before the Commissioner of Police upon which he could have based his order or on the ground that the Commissioner of Police was not of opinion that witnesses were unwilling to come forward to give evidence in the public against the person in respect of whom an order was made under sub-section (*1*).

(*8*) Nothing hereinbefore contained in this section shall require any Police officer to disclose to the person against whom an order is made under sub-section (*1*), (*2*) or (*2A*) or to the Court the sources of his information or any fact the communication of which might, in the opinion of the Commissioner of Police, lead to the disclosure of the identity of any person or property.]

28. [*Power to segregate prostitutes and keepers of brothels.*] *Repealed by Bom. 11 of 1923, s. 13 (i) (b).*

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[1] sub-sections (*4*) to (*8*) were inserted by Bom. 14 of 1938, s. 2 (*4*).

29. (*1*) The Commissioner of Police may from time to time, by public notice, proclaim that any stray dogs found, during such period as may be specified in the said notice, wandering in the streets or in any public place may be destroyed, and any dog so found within such period may be destroyed accordingly. Destruction of stray dogs.

(*2*) The Commissioner of Police may by public notice require that every dog, while in the streets or in any public place and not led by some person, shall be muzzled in such a manner as effectually to prevent it from biting, while not obstructing its breathing or drinking, and the Police may, so long as such notice remains in force, destroy, or take possession of and detain, any dog found loose without a muzzle in any place beyond the premises of the owner thereof : Provisions as to muzzling or seizure of dogs.

Provided that any dog so found, wearing a collar on which an apparently genuine name or address of an owner is inscribed, shall not, unless it is rabid, be forthwith destroyed, but information of the detention thereof shall forthwith be sent by post or otherwise to such owner. Saving as to dogs wearing collars.

(*3*) Any dog which has been detained under sub-section (*2*) for a period of three clear days without the owner providing a muzzle and paying all expenses connected with such detention, may be destroyed or sold with the sanction and under the orders of the Commissioner of Police. Destruction or sale of dogs.

(*4*) The proceeds of the sale of any dog under sub-section (*3*) shall be applied, as far as may be, in discharge of the expenses incurred in connection with its detention, and the balance, if any, shall [1][form part of the revenues of the Province]. Proceeds of sale how disposed of.

(*5*) Any expenses incurred in connection with the destruction or detention of any dog under this section shall, subject to the provisions of sub-section (*4*), be recoverable from the owner thereof upon a warrant issued by the Commissioner of Police, as if it were a warrant under section 386 of the Code of Criminal Procedure. Recovery of expenses.

V of 1898.

[2][**29A.** (*1*) Any police officer who in any street or public place other than a place of worship finds any animal other than bull or a cow so diseased, or so severely injured, and in such a physical condition, that in his opinion it cannot without cruelty be removed, shall, if the owner is absent or refuses to consent to the destruction of the animal, at once summon the Veterinary Practitioner in charge of the area in which the animal is found and, if the Veterinary Practitioner certifies that the animal is mortally injured, or so severely injured, or so diseased, or in such a physical condition, that it is cruel to keep it alive, the police officer may, without the consent of the owner, destroy the animal or cause it to be destroyed : Destruction of suffering or unfit animals.

Provided that if in the opinion of the Veterinary Practitioner the animal can be removed from the place where it is found without causing it great suffering, and, if the owner or person in charge of the animal,

[1] These words were substituted for the words "be at the disposal of Government" by the Adaptation of Indian Laws Order in Council.

[2] Section 29A was inserted by Bom. 12 of 1926, s. 2.

or in their absence any other person on the spot is willing and offers to remove the animal to a Veterinary Hospital or Pinjrapole within such time as the Veterinary Practitioner considers reasonable, the Veterinary Practitioner shall allow the animal to be removed by such owner, person in charge or other person. If the owner or person in charge of the animal or such other person is unwilling or fails so to remove the animal, the Veterinary Practitioner may direct the Police officer to remove the animal before it is destroyed from the place where it is found to such other place as he may think fit :

Provided further that when the animal is destroyed in any street or public place it shall, as far as possible, be screened from the public gaze while it is being destroyed.

Explanation.—For the purpose of this section " bull " does not include " bullock ".

Power to appoint Veterinary Practitioners.

(2) The [1][Provincial Government] may appoint such persons as [2][it] thinks fit to be Veterinary Practitioners and may declare the areas of which they shall be in charge for the purposes of this Act.]

Commissioner of Police may authorise erection of barriers on streets.

[3][29B. The Commissioner of Police may, whenever in his opinion such action is necessary, authorise the Police to erect barriers on any street for the purpose of stopping temporarily vehicles driven on such street and satisfying themselves that the provisions of any law for the time being in force have not been contravened in respect of any such vehicle or by the driver of or the person in charge of such vehicle. The Commissioner of Police may also make such orders as he deems fit for regulating the use of such barriers.]

CHAPTER IV.

EXECUTIVE POWERS AND DUTIES OF POLICE.

Duties of Police Officers.

Arrest to prevent cognizable offences.

30. A Police officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

31. A Police officer may, of his own authority, interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immovable, or the removal or injury of any public land-mark, or buoy or other mark used for navigation.

Duties of a Police officer.

32. (*1*) It shall be the duty of every Police officer—

(*a*) promptly to serve every summons and obey and execute every warrant or other order lawfully issued to him by competent authority, and to endeavour by all lawful means to give effect to the lawful commands of his superior ;

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The word "it" was substituted for the word "he", *ibid.*

[3] This section was inserted by Bom. 13 of 1941, s. 3, read with Bom. 59 of 1947, s. 2 (*2*).

(*b*) to the best of his ability to obtain intelligence concerning the commission of cognizable offences or designs to commit such offences, and to lay such information and to take such other steps, consistent with law and with the orders of his superiors, as shall be best calculated to bring offenders to justice or to prevent the commission of cognizable, and within his view of non-cognizable, offences;

(*c*) to prevent to the best of his ability the commission of public nuisances;

(*d*) to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension there is sufficient reason;

(*e*) to aid another Police officer when called on by him or in case of need in the discharge of his duty, in such ways as would be lawful and reasonable on the part of the officer aided;

(*f*) to discharge such duties as are imposed upon him by any law for the time being in force;

(*g*) to afford every assistance within his power to disabled or helpless persons in the streets, and to take charge of intoxicated persons and of lunatics at large who appear dangerous or incapable of taking care of themselves;

(*h*) to take prompt measures to procure necessary help for any person under arrest or in custody who is wounded or sick, and, whilst guarding or conducting any such person, or have due regard to his condition;

(*i*) to arrange for the proper sustenance and shelter of every person who is under arrest or in custody;

(*j*) in conducting searches to refrain from needless rudeness and the causing of unnecessary annoyance;

(*k*) in dealing with women and children to act with strict regard to decency and with reasonable gentleness;

(*l*) to use his best endeavours—

(*i*) to prevent any loss or damage by fire, and

(*ii*) to avert any accident or danger to the public;

(*m*) to regulate and control the traffic in the streets, to prevent obstructions therein, and to the best of his ability to prevent the infraction of any rule or order made under this Act or under any other law for the time being in force for observance by the public in or near the streets;

(*n*) to keep order in the streets, and at and within public bathing, washing and landing places, fairs and all other places of public resort, and in the neighbourhood of places of public worship during the time of public worship;

(*o*) to regulate resort to public bathing, washing and landing places, to prevent overcrowding thereat and in public ferry boats, and to the best of his ability to prevent the infraction of any rule or order lawfully made for observance by the public at any such place or on any such boat; and

(*p*) to perform all duties imposed on him by the rules for the time being in force under sections 13 and 22 in the manner and subject to the conditions therein prescribed.

Persons bound to conform to reasonable orders of Police.

(*2*) All persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of the said duties.

Police officers may restrain or remove contumacious person.

(*3*) A Police officer may restrain or remove any person resisting or refusing or omitting to conform to any such direction as aforesaid.

Powers with regard to offences under Act XI of 1890.

[1][32A. (*1*) When in respect of an animal an offence under section 3 or section 5 or sub-section (*1*) of section 6 of the Prevention of Cruelty to Animals Act, 1890[2], hereinafter in this section referred to as the said Act, has been committed, or, when there is a reasonable ground for suspecting that such offence has been committed, any Police officer may— XI of 1890.

(*a*) take the animal to a Presidency Magistrate, or

(*b*) if the accused person so requires, take the animal to a veterinary officer, if any, empowered by the [3][Provincial Government] in this behalf, or

(*c*) take the animal to an infirmary appointed under sub-section (*2*) of section 6 of the said Act for treatment and detention therein, pending direction of a Presidency Magistrate under sub-section (*3*) of the said section, or

(*d*) when the animal is in such a physical condition that it cannot be taken to a veterinary officer or a Presidency Magistrate, draw up a report of the condition of the animal in the presence of two or more respectable persons describing such wounds, sores, fractures, bruises,

[1] Section 32A was inserted by Bom. 21 of 1936, s. 3.

[2] See Central Acts.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

or other marks of injury as may be found on the body of the animal:

Provided that in cases falling under clause (*b*) or (*d*), the Police officer may direct that the animal shall be sent for detention in a dispensary or any suitable place approved by [1][the Provincial Government] by general or special order and be there detained until its production before a Presidency Magistrate:

Provided further that an animal so detained shall be produced before a Presidency Magistrate with the least possible delay and within a period not exceeding three days from the date on which it was sent for detention and shall be handed over to its owner unless the Presidency Magistrate passes an order for its further detention in an infirmary.

(*2*) When an animal is brought before a Presidency Magistrate under clause (*a*) of sub-section (*1*), such Magistrate may direct the animal to be returned to the person from whose possession it was taken on such person giving security to the satisfaction of the Magistrate, binding himself to produce the animal when required, or, may direct that the animal shall be sent for treatment and care to an infirmary and be there detained as provided in sub-section (*3*) of section 6 of the said Act, or may make such order as he thinks fit regarding the disposal or custody and production of the animal.

(*3*) The veterinary officer before whom an animal is brought under clause (*b*) of sub-section (*1*) shall, with all convenient speed, examine the same and draw up a report of such examination. A copy of the report shall be delivered free of charge to the accused person if he applies for it.

(*4*) When under sub-section (*1*) a Police officer directs that an animal shall be sent for detention in a dispensary or any suitable place before its production before a Presidency Magistrate, or under sub-section (*2*) a Presidency Magistrate directs that an animal shall be sent for treatment and care to an infirmary and be detained therein, the provisions of sub-sections (*5*), (*6*), (*7*) and (*8*) of section 6 of the said Act shall, so far as may be, apply.

(*5*) When a Police officer in good faith suspects that any animal being employed in any work or labour is, by reason of any sore, unfit to be so employed, he may require the person in charge of such animal to unsaddle or unload it for the purpose of ascertaining whether any sore exists and, if such person refuses to do so, may himself unsaddle or unload the animal or may cause the same to be unsaddled or unloaded.]

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Powers of Police Officers to arrest without warrant.

When Police may arrest without warrant.

33. Any Police officer may, without an order from a Magistrate and without a warrant, arrest—

(*a*) any person who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned;

(*b*) any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

(*c*) any person who has been proclaimed as an offender either under the Code of Criminal Procedure or by order of [1][the Provincial Government]; V of 1898.

(*d*) any person who is found having in his possession or conveying anything which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence with reference to such thing;

(*e*) any person who obstructs a Police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

(*f*) any person reasonably suspected of being a deserter from His Majesty's Army or Navy, or of belonging to [2][the Royal Indian Navy] and being illegally absent from that service [3][or of having committed an offence punishable under clause (*c*) of section 18];

(*g*) any person who has been concerned in, or against whom a reasonable complaint has been made, or credible information has been received, or reasonable suspicion exists, of his having been concerned in, any act committed at any place out of British India, which, if committed in British India, would have been punishable as an offence, and for which he is under any law relating to extradition or under the [4]Fugitive Offenders Act, 1881, or otherwise liable to be apprehended or detained in custody in British India. 44 and 45, Vict., c. 69.

(*h*) any released convict committing a breach of any rule made under sub-section (*3*) of section 565 of the Code of Criminal Procedure; V of 1898.

(*i*) any person committing in his presence any offence punishable under section 112, 115, clause (*e*), (*g*) or (*i*) of section 118, section 119, [5]*, 122, 123, clause (*a*) of section 124, section 126, [6]* [7][clause

[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the words "His Majesty's Royal Indian Marine Service", *ibid.*

[3] These words, figures, letter and brackets were added by Bom. 21 of 1930, s. 4 (*a*).

[4] Collection of Statutes relating to India, Vol. II.

[5] The figures "121" were deleted by Bom. 15 of 1946, s. 3.

[6] The word "or" was deleted by Bom. 9 of 1926, s. 6 (*a*).

[7] This portion was substituted for the original by Bom. 63 of 1948, s. 3 (*2*) (*i*).

(*i*), (*ia*) or (*ii*) of section 127,] in respect of a contravention of a rule made [1][under clause (*b*) of sub-section (*1*) of section 22 prohibiting the [2][occupation of or sale or exposure for sale of any goods on, any street or portion thereof] so as to cause obstruction to traffic or inconvenience to the public, or of any rule made under sub-clause (*iv*) or (*v*) of clause (*f*) of the said sub-section], or of a prohibition given under clause (*a*) or (*b*) of sub-section (*2*) of section 23 [3]* * of this Act or section 3, [4][3A], 4, 5, [5][6 or 6c] of the [6]Prevention of Cruelty to Animals Act, 1890 ;

XI of 1890.

[7][(*j*) any person who has been concerned in an offence punishable under section 111A [8]* * * or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists, of his having been so concerned.]

[9][(*k*) any person who—

(*i*) contravenes a rule made under clause (*gg*) of sub-section (*1*) of section 22 or an order made under section 23 or 27 ; or

(*ii*) commits an offence punishable under section 112 [10][or under clause (*iia*) of section 127].]

Refusal to give name and residence.

34. (*1*) A Police officer may arrest without a warrant any person committing in his presence in any street or public place any other non-cognizable offence punishable under this Act, or under any rule made thereunder, or under any other law for the time being in force, if such person—

(*i*) after being warned by a Police officer persists in committing such offence, or

(*ii*) refuses on being required by a Police officer to give his name and address, or gives a name or address which the Police officer has reason to believe false, or

(*iii*) refuses to accompany the Police officer to a station on being required so to do.

Release on bond.

(*2*) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond with or without sureties, to appear before a Magistrate if so required :

Provided that if such person is not resident in [11][the Greater Bombay] the bond shall be secured by a surety or sureties resident in [11][the Greater Bombay].

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[1] These words, figures, letters and brackets were substituted for the words, figures, letter and brackets "under sub-clause (*iv*) or (*v*) of clause (*f*) of sub-section (*1*) of section 22" by Bom. 21 of 1930, s. 4 (*b*).

[2] These words were substituted for the original by Bom. 63 of 1948, s. 3 (*2*) (*ii*).

[3] The words and figures "or under section 128" were deleted by Bom. 34 of 1948, s. 3 (*5*).

[4] The figure and letter "3A" were inserted by Bom. 28 of 1946, s. 6 (*a*).

[5] These figures, word and letter were substituted for the word and figure "or 6", *ibid.*, s. 6 (*b*).

[6] Central Acts.

[7] Clause (*j*) was added by s. 4 of the City of Bombay Police (Amendment) Act, 1917 (Bom. 2 of 1917).

[8] The words, figures and letter "or section 126A" were omitted by Bom. 11 of 1923, s. 13 (*1*) (*d*).

[9] Clause (*k*) was added by Bom. 59 of 1947, s. 4 (*5*).

[10] These words, brackets, figures and letter were added by Bom. 34 of 1948, s. 3 (*5*).

[11] These words were substituted for the word "Bombay" by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

Person arrested to be forwarded to Magistrate.

(3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest, or should he fail to execute the bond, or, if so required, to furnish sureties, he shall, subject to the provision of sub-section (2) of section 87, forthwith be forwarded to the Presidency Magistrate having jurisdiction.

Other powers of arrest.

35. [1][(1) Any Police officer empowered in this behalf by the Commissioner of Police may arrest without warrant for any offence specified in section 120.

(2) Any Police officer may, on the information of any person in possession or charge of any dwelling house, private premises, or land or ground attached thereto, arrest without warrant any person alleged to have committed therein or thereon an offence punishable under section 111.

Arrest of vagabonds, habitual robbers, etc.

36. Any officer in charge of a section may, without an order from a Magistrate and without a warrant, arrest or cause to be arrested—

(a) any person found within his section taking precautions to conceal his presence within [2][the Greater Bombay], under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence;

(b) any person within his section who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself;

(c) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

Powers to seize property suspected to be stolen.

37. (1) It shall be lawful for any Police officer to seize any property or thing which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence.

Orders of Commissioner of Police to be taken.

(2) Every such seizure shall be forthwith reported to the Commissioner of Police, who shall thereupon make such order respecting the custody or production of the property or thing as he shall think proper.

Enforcement of orders issued under section 23, 24 or 25.

38. Whenever a notification, order in writing or public notice has been duly issued under sub-section (2), (3) or (4) of section 23, or an order has been made under section 24 or 25, it shall be lawful for any Magistrate or Police officer to require any person acting or about to act contrary thereto to desist or to abstain from so doing, and in case of refusal or disobedience, to arrest such person. Such Magistrate or Police officer may also seize any

[1] This sub-section was inserted by Bom. 9 of 1926, s. 6 (b).

[2] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

object or thing used or about to be used in contravention of such notification, order or notice as aforesaid and the thing seized shall be disposed of according to the order of the Chief Presidency Magistrate.

Deputation of a subordinate to arrest without warrant.

39. When any officer in charge of a section requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to such subordinate officer an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made.

Unlawful Assemblies.

Assembly to disperse on command of Magistrate or Police officer.

40. (*1*) Any [1][Magistrate or] officer in charge of a section [2][or any Police officer not below the rank of a sub-inspector authorised in this behalf] may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the public peace to disperse; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Use of civil force to disperse.

(*2*) If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any Magistrate or officer in charge of a section [3][or any Police officer authorised under sub-section (*1*)] may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier or sailor in His Majesty's Army or Navy, or [4][the Royal Indian Navy], or a Volunteer enrolled under the [5]Indian Volunteers Act, 1869, and acting as such for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form it, in order to disperse such assembly or that they may be punished according to law.

Requisition of military or naval aid.

41. If on any emergency the available Police force is not sufficient to disperse an unlawful assembly or to quell a riot or other serious disturbance of the public peace, the Commissioner of Police, or Magistrate of the highest rank who is present, may apply to the officer of highest rank on the spot for military or naval aid for such purpose.

Duty of officer commanding military or naval force required to disperse assembly.

42. (*1*) When the Commissioner of Police or a Magistrate determines to disperse any unlawful assembly by military or naval force, he may require any commissioned or non-commissioned officer in command of any soldiers or sailors in His Majesty's Army or Navy, or [4][the Royal Indian Navy], or of any Volunteers enrolled under the [5]Indian Volunteers Act, 1869, to disperse such assembly by military or naval force, as the

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[1] These words were inserted by s. 2 of the City of Bombay Police (Amendment) Act, 1921 (Bom. 5 of 1921).

[2] These words were inserted by Bom. 59 of 1947, s. 4 (*6*) (*i*).

[3] These words, brackets and figure were inserted, *ibid.*, s. 4 (*6*) (*ii*).

[4] The words "the Royal Indian Navy" were substituted for the words "Royal Indian Marine Service" by the Adaptation of Indian Laws Order in Council.

[5] *See* now the Auxiliary Force Act, 1920 (49 of 1920).

case may be, and to arrest and confine such persons forming part of it as the Commissioner of Police or Magistrate may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of Commissioned military or naval officers to disperse assembly.

43. When the public security is manifestly endangered by any such assembly, and when neither the Commissioner of Police nor a Magistrate can be communicated with, any commissioned officer of His Majesty's Army or Navy, or [1][the Royal Indian Navy], may disperse such assembly by military or naval force, as the case may be, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is acting under this section, it becomes practicable for him to communicate with the Commissioner of Police or a Magistrate, he shall do so, and shall thenceforward obey the instructions of the Commissioner of Police or Magistrate as to whether he shall or shall not continue such action.

Protection against prosecution for acts done under section 40, 41, 42 or 43.

44. No prosecution against any [2][person] for any act purporting to be done under section 40, 41, 42 or 43 of this Act, or under section 42 of the Code of Criminal Procedure, shall be instituted in any Criminal Court, except with the sanction of the [3][Provincial Government]; and V of 1898.

(*a*) no Magistrate or Police officer acting thereunder in [4]good faith,

(*b*) no officer acting under section 43 in [4]good faith,

(*c*) no person doing any act in [4]good faith, in compliance with a requisition under section 40 or 42 of this Act, or under section 42 of the Code of Criminal Procedure, and V of 1898.

(*d*) no inferior officer, or soldier, or sailor, or volunteer, doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence.

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[1] The words "the Royal Indian Navy" were substituted for the words "Royal Indian Marine Service" by the Adaptation of Indian Laws Order in Council.

[2] The word "person" was substituted for the word "persons" by s. 2 and Sch. I of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] As to definition of "good faith" *see* s. 52 of the Indian Penal Code (Act 45 of 1860), Central Acts, and s. 3 (*20*) of the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[1]45. (*1*) The Chief Presidency Magistrate may, after such inquiry as he deems necessary, determine the amount of the compensation which, in his opinion, should be paid to any person or persons in respect of any loss or damage caused to any property, or in respect of death or grievous hurt caused to any person or persons, by anything done in the prosecution of the common object of an unlawful assembly. Compensation for injury caused by unlawful assembly how recoverable.

(*2*) The Chief Presidency Magistrate may require—

(*a*) in the City of Bombay, the Municipal Commissioner, the Collector or any other authority,

(*b*) in an area outside the City of Bombay but within the limits of a municipality, the municipality, the Collector or any other authority, and

(*c*) in an area outside the City of Bombay and not within the limits of a municipality, the Collector or any other authority,

to recover either in whole or in part such amount and where the Municipal Commissioner or the Municipality is required to recover such amount an additional sum not exceeding three per cent. of such amount generally from all persons who are inhabitants of any particular area or specially from any particular section or sections, or class or classes of such persons, and in such proportions as the Chief Presidency Magistrate may direct.

(*3*) (*i*) The Chief Presidency Magistrate may require the Municipal Commissioner to recover such amount and the additional sum by an addition to the general tax which shall be imposed and levied in all or such of the municipal wards, sub-wards or sections thereof, as the Chief Presidency Magistrate may direct. Every addition to the general tax imposed under this sub-section shall be recovered by the Municipal Commissioner from each person liable therefor in the same manner as the general tax due from him. The provisions of sections 147 and 148 of the City of Bombay Municipal Act, 1888, shall apply to any such addition as if it were part of the general tax levied under the said Act. Bom. III of 1888.

(*ii*) The Chief Presidency Magistrate may also require the Municipal Commissioner to recover such amount and the additional sum from each person liable therefor under sub-section (*2*) in such manner as he may direct.

(*4*) The Chief Presidency Magistrate may require the municipality outside the City of Bombay to assess and recover such amount and the additional sum by a tax or by a rate which the municipality shall impose and levy from such persons, sections or classes of persons and in such proportions as the Chief Presidency Magistrate may direct. Every tax or rate so imposed and levied shall be recovered by such

[1] Sections 45, 46 and 46A were substituted for the original by Bom. 59 of 1947, s. 4 (7).

municipality from each person liable therefor in the same manner as a municipal tax due by him :

Provided that where a municipality makes default in imposing and levying any such tax or rate or in making any such recovery, the Provincial Government may direct the Collector to impose such tax or rate or to make such recovery.

Every tax or rate imposed and levied by the Collector shall be recoverable by the Collector as if it were an arrear of land revenue due by the person liable therefor.

(*5*) Every amount recoverable by the Collector or other authority under this section shall be recoverable as if it were an arrear of land revenue due by the person liable therefor.

(*6*) Out of the total amount recovered by the Municipal Commissioner or by the municipality under sub-section (*3*) or (*4*), whether before or after the coming into operation of the Bombay District Police and the City of Bombay Police (Amendment) Act, 1947, a sum equivalent to the amount of the compensation shall be paid to the Chief Presidency Magistrate and the balance, if any, shall be credited to the municipal fund constituted under section 111 of the City of Bombay Municipal Act, 1888, or section 51 of the Bombay District Municipal Act, 1901, or section 65 of the Bombay Municipal Boroughs Act, 1925, as the case may be. Such amount shall be paid to the Chief Presidency Magistrate every three months.

Bom. LIX of 1947. Bom. III of 1888. Bom. III of 1901. Bom. XVIII of 1925.

(*7*) It shall be lawful for the Chief Presidency Magistrate, by order, to exempt any persons from liability to pay any portion of such compensation.

Explanation.—In this section the expression "inhabitants" when used with reference to any area includes persons who themselves or by their agents or servants occupy or hold land or other immovable property within such area and landlords who themselves or by their agents or servants collect rent from holders or occupiers of land in such area, notwithstanding that they do not actually reside therein.

Chief Presidency Magistrate to award or apportion compensation.

[1]**46.** (*1*) It shall be lawful for the Chief Presidency Magistrate to award or apportion all or any moneys recovered as compensation under sub-sections (*2*) to (*4*) of section 45 to any person or among all or any persons whom he considers entitled to compensation in respect of the loss or damage or death or grievous hurt aforesaid.

(*2*) No compensation shall be awarded under this section except upon a claim made within [2][45 days] from the date of the loss, damage, death or grievous hurt as aforesaid, in respect of which such claim is made, and unless the Chief Presidency Magistrate is satisfied that the person claiming compensation, or where such claim is made in respect of the death of any person, that that person also has himself been free from blame in connection with the occurrences which led to the loss, damage, death or grievous hurt as aforesaid.

[1] Sections 45, 46 and 46A were substituted for the original by Bom. 59 of 1947, s. 4 (*7*).

[2] These figures and word were substituted for the words "one month" by Bom. 34 of 1948, s. 3 (*6*).

(*3*) The compensation payable to any person under section 45 in respect of death or grievous hurt shall not in any way be capable of being assigned or charged or be liable to attachment or to pass to any person other than the person entitled to it by operation of law, nor shall any claim be set off against the same.

(*4*) No civil suit shall be maintainable in respect of any loss or injury for which compensation has been granted under this section.

[1]**46A.** The Chief Presidency Magistrate shall discharge his functions under sections 45 and 46 subject to any general or special orders of the Provincial Government in this behalf.]

Chief Presidency Magistrate to discharge functions under orders of Provincial Government.

Unclaimed Property.

47. (*1*) The Police shall take temporary charge—

Police to take charge of unclaimed property.

(*a*) of all unclaimed property found by, or made over to, them, and also

(*b*) of all property found lying in any public street, if the owner or person in charge of such property, on being directed to remove the same, refuses or omits to do so.

(*2*) Property of which the Police have taken charge under sub-section (*1*) shall be handed over to the Commissioner of Police.

48. (*1*) If the said property appears to have been left by a person who has died intestate, and not to be under two hundred rupees in value, the Commissioner of Police shall communicate with the Administrator General, with a view to its being dealt with under the provisions of the [2]Administrator General's Act, 1874 or other law for the time being in force.

Intestate property under two hundred rupees in value.

(*2*) In any other case the Commissioner of Police shall issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto to appear before himself or some other officer whom he appoints in this behalf and establish his claim within six months from the date of such proclamation.

Proclamation to be issued by Commissioner of Police.

(*3*) If the property, or any part thereof, is subject to speedy and natural decay, or consists of live-stock, or if the property appears to be of less value than five rupees, it may be forthwith sold by auction under the orders of the Commissioner of Police and the net proceeds of such sale shall be dealt with in the same manner as is hereinafter provided for the disposal of the said property.

Power to sell perishable property at once.

[1] Sections 45, 46 and 46A were substituted for the original by Bom. 59 of 1947, s. 4 (7).
[2] *See* now the Administrator General's Act, 1913 (3 of 1913), Central Acts.

Delivery of property to person entitled.

49. (*1*) The Commissioner of Police shall, on being satisfied of the title of any claimant to the possession or administration of such property, order the same to be delivered to him, after deduction or payment of the expenses properly incurred by the Police in the seizure and detention thereof.

Power to take security.

(*2*) The Commissioner of Police may, at his discretion, before making any order under sub-section (*1*) take such security as he may think proper from the person to whom the said property is to be delivered, and nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

In default of claim to be at disposal of Provincial Government.

(*3*) If no person establishes his claim to such property within such period, it shall be at the disposal of [1][the Provincial Government], and the property, or such part thereof as has not already been sold under sub-section (*3*) of section 48, may be sold by auction under the orders of the Commissioner of Police.

Procedure not affected by Indian Succession Act or Administrator General's Act.

50. Nothing in the [2]Indian Succession Act, 1865, or in the [3]Administrator General's Act, 1874, shall apply to intestate property which is dealt with by the Commissioner of Police under sub-section (*2*) of section 48. X of 1865.

Public Pounds.

Power to establish cattle-pounds and appoint pound-keepers.

51. (*1*) The Commissioner of Police shall from time to time appoint such places as he thinks fit to be public pounds, and may appoint to be keepers of such pounds [4][police officers of such rank as may be approved by the [5][Provincial Government].

(*2*) Every pound-keeper so appointed shall in the performance of his duties be subject to the direction and control of the Commissioner of Police, [6]* * * * * *

Impounding of cattle.

52. It shall be the duty of every Police officer, and shall be lawful for any other person, to seize and take to any such public pound for confinement therein, any cattle found straying in any street or trespassing upon any private or public property in [7][the Greater Bombay].

Delivery of cattle claimed.

53. (*1*) If the owner of the impounded cattle or his agent appear and claim the cattle, the pound-keeper shall deliver them to him on payment of the pound-fees and expenses chargeable in respect of such cattle under sub-section (*4*).

Sale of cattle not claimed.

(*2*) If within ten days after an animal has been impounded no person appearing to be the owner of such animal offers to pay the pound-fee and expenses chargeable under sub-section (*4*) such animal shall be forthwith

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] *See* now Act 39 of 1925, Central Acts.

[3] *See* now the Administrator General's Act, 1913 (3 of 1913), Central Acts.

[4] These words were substituted for the words "such persons and on such emoluments as he deems fit" by Bom. 21 of 1930, s. 5 (*a*).

[5] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[6] The words "and shall be liable to punishment, suspension and dismissal, as if he were a Police officer under this Act" were omitted by Bom. 21 of 1930, s. 5 (*b*)

[7] These words were substituted for the words "the City" by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

sold by auction, and the surplus remaining after deducting the fee and expenses aforesaid from the proceeds of the sale shall be paid to any person who, within fifteen days after the sale, proves to the satisfaction of such officer as the Commissioner of Police appoints in this behalf, that he was the owner of such animal, and shall in any other case [1][form part of the revenues of the Province].

(3) No Police officer or pound-keeper shall, directly or indirectly purchase any cattle at a sale under sub-section (2).

Fees and expenses.

(4) (a) The pound-fee chargeable shall be in the case of—

(i) every ram, ,, ewe, ,, sheep, ,, lamb, ,, goat or kid, } eight annas,

(ii) every other animal, one rupee :

Provided that the [2][Provincial Government] may, by notification in the [3][*Official Gazette*], from time to time alter the pound-fee to be charged in the case of any animal to an amount not exceeding double the pound fee chargeable under the foregoing scale.

(b) The expenses chargeable shall be at such rates for each day during any part of which an animal is impounded, as shall from time to time be fixed by the Commissioner of Police.

Weights and Measures.

Powers as to inspection, search and seizure of false weights and measures.

54. (1) Any Police officer generally or specially deputed to that duty by the Commissioner of Police may without warrant enter any shop or premises for the purpose of inspecting or searching for any weights or measures or instruments for weighing or measuring used or kept therein.

(2) If he finds in such shop or premises weights, measures or instruments for weighing or measuring which he has reason to believe are false, he may seize the same and shall forthwith give information of such seizure to the Magistrate having jurisdiction, and if such weights, measures or instruments shall be found by the Magistrate to be false, they shall be destroyed.

(3) Weights and measures purporting to be of the same denomination as weights and measures, the standards whereof are [4][kept under section 9 of the Bombay Weights and Measures Act, 1932] shall, if they do not correspond with the said standards, be deemed to be false within the meaning of this section.

Bom. XV of 1932.

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[1] The words "form part of the revenues of the Province" were substituted for the words "be at the disposal of Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council," *ibid.*

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[4] These words were substituted for the words "provided by the Municipal Commissioner under section 418 of the City of Bombay Municipal Act, 1888", by Bom. 17 of 1945, s. 9 and Schedule E,, read with Bom. 52 of 1947, s. 2, proviso.

Powers of Superior Officers.

Superior officer may himself perform duties imposed on his inferior, etc.

55. A Police officer of rank superior to that of constable may perform any duty assigned by law or by a lawful order to any officer subordinate to him, and in case of any duty imposed on such subordinate, a superior, when it shall appear to him necessary, may aid, supplement, supersede or prevent any action of such subordinate by his own action or that of any person lawfully acting under his command or authority whenever the same shall appear necessary or expedient for giving more complete or convenient effect to the law or for avoiding an infringement thereof.

Magisterial powers of Commissioner and Deputy Commissioner.

Powers as a Magistrate of Commissioner and Deputy Commissioner of Police.

56. (*1*) The Commissioner, by virtue of his office, and any Deputy Commissioner specially empowered in this behalf by the [1][Provincial Government], shall have all the powers of a Presidency Magistrate under sections 94, 96, 97, 98, 105, 523, 524 and 525 of the [2]Code of Criminal Procedure, and section 25 of the [2]Indian Arms Act, 1878. V of 1898. XI of 1878.

(*2*) Such powers may be exercised for the purposes of any investigation or other proceeding under this Act or the [2]Code of Criminal Procedure. V of 1898.

CHAPTER V.

INFORMATION TO POLICE AND POWER TO INVESTIGATE.

Information if it relates to a cognizable offence to be recorded.

57. The officer in charge of a section on receiving any information relating to the commission within his section of any cognizable offence shall forthwith reduce into writing in manner prescribed, the statement made by the informant, and the informant shall sign the statement so reduced into writing which shall be kept and recorded in manner prescribed, and the officer shall forthwith enter or cause to be entered the substance of such statement in a book which shall be kept in the prescribed form.

Information in non-cognizable cases.

58. (*1*) When information is given to an officer in charge of a section of the commission within his section of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to a Magistrate.

Investigation of non-cognizable cases.

(*2*) No Police officer shall investigate a non-cognizable case without the order of a Presidency Magistrate.

Powers in investigating such cases.

(*3*) Any Police officer receiving such an order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a section may exercise in a cognizable case.

Investigation in cognizable cases.

59. (*1*) Any officer in charge of a section may, without the order of a Magistrate, and shall, if so ordered, investigate any case in respect of a cognizable offence alleged to have been committed within his section.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] Central Acts.

(2) No proceeding of a Police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate. Proceedings not to be called in question.

60. If, from information received or otherwise, an officer in charge of a section has reason to suspect the commission of an offence which he is empowered under section 59 to investigate, he shall forthwith proceed in person, or shall depute one of his subordinate officers to proceed, to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offender : Procedure where cognizable offence suspected.

Provided that, if the information is given against any person by name, and the offence is not of a serious nature, or if it appears to the officer in charge of a section that there is no sufficient ground for entering on an investigation, he need not proceed in person, or depute a subordinate officer, to make an investigation on the spot ; but he shall in every such case record his reasons for not making, or causing to be made, such an investigation.

61. Any Police officer making an investigation under this Act may— Police-officer's power to require attendance of witnesses.

(a) by order in writing, require the attendance before himself of any person being within the limits of [1][the Greater Bombay], who from the information given or otherwise appears to be acquainted with the facts or circumstances of the case, and such person shall attend if so required ; and

(b) examine orally any person supposed to be acquainted with the facts and circumstances of the case, and may reduce into writing any statement made by the person so examined, and such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

62. (1) If in the course of an investigation the Commissioner of Police has reason to believe that a cognizable offence has been committed, he may by order in writing require the attendance before himself or any officer serving under him who is investigating a cognizable offence, of any person then being within the limits of [1][the Greater Bombay] or within thirty miles of such limits, who from the information given or otherwise appears to be acquainted with the facts or circumstances of the case, and such person shall attend as so required. The provisions of clause (b) of the last preceding section shall apply to the person so attending. Special powers of Commissioner of Police to require attendance and obtain statements of witnesses.

(2) In any case the Commissioner of Police may forward to the Superintendent of Police of the district in which any person from whom any information is required relating to the facts or circumstances of the case under investigation, is believed to be, such questions and such statement as may be necessary for the purpose of obtaining the information desired, and on receipt thereof such Superintendent of Police shall cause such

[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

person to be examined orally and his statement to be reduced into writing in the same manner and subject to the same provisions as if an investigation were being made into such offence in such district, and shall forward the statement reduced into writing to the Commissioner of Police.

Statements to police not to be signed or admitted in evidence.

63. (*1*) No statement made by any person to a Police officer in the course of an investigation under this Act shall, if taken down in writing, be signed by the person making it nor shall such writing be used as evidence:

Provided that, when any witness is called for the prosecution whose statement has been taken down in writing as aforesaid, the Court shall, on the request of the accused, refer to such writing and may then, if the Court thinks it expedient in the interests of justice, direct that the accused be furnished with a copy thereof; and such statement may be used to impeach the credit of such witness in manner provided by the [1]Indian Evidence Act, 1872. I of 1872.

(*2*) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (*1*), of the [1]Indian Evidence Act, 1872. I of 1872.

No inducement to be offered.

64. (*1*) No Police officer shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in section 24 of the [1]Indian Evidence Act, 1872. I of 1872.

(*2*) But no Police officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Act any statement which he may be disposed to make of his own free will.

Summons to produce document or other thing.

65. (*1*) Whenever an officer in charge of a section considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation under this Chapter, he may issue a summons or written order to any person resident in [2][the Greater Bombay] in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, at such time and place as may be specified therein.

(*2*) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

Search by Police officer.

66. (*1*) Whenever an officer making an investigation under this Chapter considers that the production of any document or other thing is necessary to the conduct of an investigation into any offence which he is authorized to investigate, and

(*a*) there is reason to believe that the person in whose possession or power such document or thing is believed to be, will not voluntarily produce the same on being requested so to do by a Police officer, or in compliance with a summons or written order which has been or might be issued under section 65, or

[1] Central Acts.

[2] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

(*b*) such document or other thing is not known to be in the possession of any person,

such officer may search, or cause search to be made, for the same in any place within the limits of [1][the Greater Bombay].

(*2*) Such officer shall, if practicable, conduct the search in person.

(*3*) If he is unable to conduct the search in person and there is no other person competent to make the search, present at the time, he may require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing, specifying the document or other thing for which search is to be made and the place to be searched, and such subordinate officer may thereupon search for such thing in such place.

(*4*) The drovisionsof sections 103 and 104 shall, so far as may be apply to asearch made under this section.

Official records and communications, etc., protected.

67. Nothing in sections 65 and 66 shall be deemed to apply to, or to authorize the issue of a summons to produce or warrant to search for, documents or communications of the nature specified in sections 123 and 124 of the [2]Indian Evidence Act, 1872, or any letter, post-card, telegram or other document, parcel or thing in the custody of the Postal or Telegraph authorities.

I of 1872.

When Police officer may require another to make search.

68. (*1*) An officer in charge of a section may require an officer in charge of another section, and the Commissioner of Police may require an officer in charge of a police station in any part of the Presidency of Bombay beyond [1][the Greater Bombay], to cause a search to be made in any place, in any case in which such officer in charge of a section or the Commissioner might cause such search to be made within [1][the Greater Bombay].

(*2*) Such officer, on being so required, shall proceed in accordance with the provisions of section 66 of this Act or section 165 of the Code of Criminal Procedure, as the case may be, and shall forward the document or thing found, if any, to the officer at whose request the search was made.

V of 1898.

Power to search for persons wrongfully confined.

69. If the Commissioner of Police has reason to believe that any person is confined [3][or detained] under such circumstances that the confinement [3][or detention] amounts to an offence, he may issue a search warrant; and the person to whom such warrant is directed may search for the person indicated in such warrant, in accordance with such directions as may be given therein, and the person, if found, shall be immediately taken before a Presidency Magistrate, who shall make such order as in the circumstances of the case seems proper.

Procedure when investigation cannot be completed.

70. (*1*) Whenever—

(*a*) it appears that any investigation under this Act cannot be completed within the period of twenty-four hours fixed by section 87, and

(*b*) there are grounds for believing that the accusation is well founded,

[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom, 52 of 1947, s. 2, proviso.

[2] Central Acts.

[3] These words were inserted by s. 5 of the City of Bombay Police (Amendment) Act, 1920 (Bom. 6 of 1920).

the officer in charge of a section shall, subject to the provisions of sub-section (*2*) of section 87, forthwith forward the person accused to a Presidency Magistrate, together with a report setting forth the substance of the information received and of the evidence adducible in the case.

Order for detention in custody.

(*2*) The Presidency Magistrate to whom an accused person is forwarded under sub-section (*1*) may, after considering any information reduced into writing as hereinbefore provided, and examining any witnesses that he may consider necessary, from time to time authorize the detention, in such custody as he thinks fit, of the person accused, for a period not exceeding fifteen days at a time, and shall, if he does so, record his reasons for so doing.

Report of investigation by subordinate Police officer.

71. (*1*) When any officer subordinate to an officer in charge of a section has made an investigation under this Act, he shall report either orally or in writing the result of his investigation to the officer in charge of the section.

(*2*) The substance of such report shall be entered in a book which shall be kept, in manner prescribed, by the officer to whom it is made.

Investigation to be promptly completed and report to be prepared and submitted.

72. Every investigation under this Act shall be completed without unnecessary delay, and as soon as it is completed the officer in charge of the section shall prepare a report in the prescribed form setting forth—

(*a*) the names of the parties,

(*b*) the nature of the information,

(*c*) the names of the persons who appear to be acquainted with the circumstances of the case, and

(*d*) a statement showing whether any person accused in such case has been arrested or has been released on his bond, and, if so, whether with or without sureties.

Release of accused when evidence deficient.

73. (*1*) If it appears to the officer preparing such report that there is not sufficient or reasonable ground of suspicion to justify the forwarding of any person therein mentioned as accused to a Magistrate, such officer shall—

(*a*) if such person is in custody, release him on his executing a bond, with or without sureties as such officer may direct, to appear if and when so required before a Magistrate empowered to take cognizance of the offence, and shall

(*b*) forward the report prepared as aforesaid to the Commissioner of Police together with any weapon or other article which it may be necessary to produce before him.

Further investigation may be ordered.

(*2*) The Commissioner of Police may in any case direct the officer in charge of the case to make further investigation, or may make such further order as he deems fit.

Order for discharge of bond, when made.

(*3*) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Commissioner of Police shall make such order for the discharge of such bond or otherwise as he shall think fit.

74. If the officer in charge as aforesaid considers that there is sufficient evidence or reasonable ground of suspicion to justify him in so doing, he shall— Case to be sent to Magistrate when evidence sufficient.

(*a*) forward the accused person to the Presidency Magistrate having jurisdiction, or

(*b*) if the offence is bailable and the accused is able to give security, shall take security from the accused for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed, and

(*c*) shall also send to such Magistrate the report prepared under section 72, and any weapon or other article which it may be necessary to produce before him.

75. (*1*) The officer in charge as aforesaid shall also require the complainant, if any, and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence, as the case may be, in the matter of the charge against the accused. Bond to secure attendance of complainant and witnesses.

(*2*) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send the original to the Magistrate with his report. To be sent to Magistrate.

76. No complainant or witness on his way to the Court of a Magistrate— Complainant and witnesses not to be required to accompany Police officer

(*a*) shall be required to accompany, a Police officer, or

(*b*) shall be subjected to unnecessary restraint or inconvenience, or

(*c*) shall be required to give any security for his appearance other than his own bond :

Provided that if any complainant or witness refuses to attend or to execute a bond as directed in sub-section (*1*) of section 75, the officer in charge of the section may forward him under custody to the Magistrate, who may detain him in custody until he executes such bond or until the hearing of the case is completed.

CHAPTER VI.

PROCEDURE.

Arrest.

77. (*1*) In making an arrest the Police officer or other person making the same shall actually touch or confine the body of the person to be arrested unless there be a submission to the custody by word or action. Arrest how made.

(*2*) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such Police officer or other person may use all means necessary to effect the arrest. Resisting endeavour to arrest.

Limit of right of Police officers to use force.

(*3*) Nothing in this section gives a right to cause the death of any person who is not accused of an offence punishable with death or with transportation for life.

Search of place entered by person sought to be arrested.

78. (*1*) If any person acting under a warrant of arrest, or any Police officer having authority to arrest, has reason to believe that the person to be arrested has entered into or is within any place, the person residing in or being in charge of such place shall, on demand of such person acting as aforesaid, or of such Police officer, allow him free ingress thereto and afford all reasonable facilities for a search therein.

Procedure when ingress not obtainable.

(*2*) If ingress to such place cannot be obtained under sub-section (*1*), it shall be lawful for a person acting under a warrant in any case, and for a Police officer in any case in which a warrant may issue but cannot be obtained without affording the person to be arrested an opportunity of escape,

(*a*) to enter such place and search therein, and

(*b*) in order to effect an entrance into such place to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after duly stating his authority and purpose and demanding admittance he cannot otherwise obtain admittance :

Breaking open zenana.

Provided that if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public, such person or Police officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw, and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

Power to break open doors and windows for purposes of liberation.

79. Any Police officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

No unnecessary restraint.

80. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of arrested persons.

81. (*1*) (*a*) Whenever a person is arrested by a Police officer,

(*i*) under a warrant which does not provide for the taking of bail, or

(*ii*) under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail,

and

(*b*) whenever a person is arrested—

(*i*) without a warrant, or

(*ii*) by a private person under a warrant, and cannot be legally admitted to bail or is unable to furnish bail,

the Police officer making the arrest, or when the arrest is made by a private person the police officer to whom he makes over the person arrested, may search such person and place in safe custody all articles other than necessary wearing apparel found upon him.

(2) Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman and with strict regard to decency. Mode of searching women.

82. Every Police officer or other person making an arrest may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer making the arrest is required to produce the person arrested. Power to seize offensive weapons.

83. Any private person may arrest any person who, in his view, commits a non-bailable and cognizable offence, or who has been proclaimed as an offender, and shall, without unnecessary delay, make over any person so arrested to a Police officer and shall accompany, or in the absence of a Police officer take, such person to the nearest station. Arrest by private persons and procedure thereon.

84. Every person arrested, and every person on requisition under sub-section (1) of section 34, accompanying a Police officer, shall forthwith be brought before the officer in charge of the section in which the offence alleged against such person appears to have been committed, and the person or officer who made the arrest or the requisition shall inform the said officer in charge of the nature of the offence alleged to have been committed, and of any grounds that may exist for believing it to have been committed. Procedure after arrest.

85. The officer in charge of the section, if he finds— Person arrested when to be, discharged etc.

(a) that there are no sufficient reasons for believing that the person brought before him has committed any offence, shall record his reasons and forthwith discharge such person ;

(b) that there are reasonable grounds for suspecting that such person has committed an offence, but not for suspecting that he has committed a cognizable offence, shall forthwith submit a report containing his reasons to the Commissioner of Police and shall thereafter proceed as that officer directs ;

(c) that there are reasonable grounds for suspecting that the person so brought before him has committed a cognizable offence, shall, if such person was arrested under section 83, re-arrest him and shall either himself investigate, or direct some officer subordinate to him to investigate, the facts and circumstances of the case.

86. An officer in charge of a section making an arrest without warrant or detaining in custody or re-arresting a person under section 85, shall, without unnecessary delay and subject to the provisions of sections 88 and 130 and to any other provisions of this Act as to bail, take or send the person arrested before the Presidency Magistrate having jurisdiction in the case. Person arrested to be taken before Magistrate.

87. (1) No Police officer shall detain in custody any person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable and necessary and, subject to the provisions of sub-section (2), in no case for a period exceeding twenty-four hours except under the special orders of a Presidency Magistrate. Limit to power of detention.

Holidays and time when Court is closed to be excluded.

(2) If the aforesaid period expires on a holiday or at night or any other time when the Court of the Presidency Magistrate having jurisdiction in the case is closed, it shall extend to such further time as will permit of the person arrested being brought before such Magistrate when the Court is next open.

Discharge of person arrested.

88. Save as provided in clause (*a*) of section 85, no person who has been arrested by, or who has on requisition under sub-section (*1*) of section 34 accompanied, a Police officer shall be discharged except—

(*a*) on his own bond, or

(*b*) on bail, or

(*c*) under the special order of the Commissioner of Police or of a Magistrate.

Summons.

Summons how served.

89. (*1*) Every summons shall, if practicable, be served personally on the person summoned by delivering or tendering to him one of the duplicates of the summons.

Signature of receipt for summons.

(*2*) Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Service of summons on company.

(*3*) Service of a summons on an incorporated company or other body corporote may be effected by serving it on the secretary, local manager or other principal officer of the corporation.

Service when person summoned cannot be found.

90. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family, or with his servant residing with him ; and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.

Procedure when receipt cannot be obtained.

91. If service in the manner mentioned in sections 89 and 90 cannot, by the exercise of due diligence, be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides ; and thereupon the summons shall be deemed to have been duly served.

Warrant.

Continuance of warrant of arrest.

92. (*1*) Every warrant of arrest issued by a Court shall remain in force until it is cancelled by the Court which issued it or until it is executed.

Security to be taken if directed in warrant.

(*2*) If the Court issuing a warrant for the arrest of any person has endorsed thereon any directions for taking security, the officer to whom the warrant is directed shall comply with such directions, and if such security be given shall release such person from custody, and forward the bond to the Court.

93. (*1*) When a warrant is directed to more Police officers than one it may be executed by all or by any one or more of them. Direction, etc., of warrants.

(*2*) A warrant may be executed by any Police officer whose name is endorsed upon the warrant by the officer to whom it is directed. Execution of warrant by officer whose name is endorsed.

94. The Police officer executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant. Notification of substance of warrant.

95. The Police officer executing a warrant of arrest shall, subject to the provisions of sub-section (*2*) of section 92, without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person. Person arrested to be brought before Court without delay.

96. The Commissioner of Police shall endorse his name on any warrant forwarded to him by any Court outside [1][the Greater Bombay] and shall, if practicable, cause it to be executed in manner hereinbefore provided within [1][the Greater Bombay]. Warrant forwarded from Court outside Bombay.

97. (*1*) When a warrant directed to a Police officer by a Court outside [1][the Greater Bombay] is to be executed within [1][the Greater Bombay], he shall ordinarily take it for endorsement to a Police officer not below the rank of Inspector within whose section the warrant is to be executed. Warrant directed to Police officer by Court outside Bombay.

(*2*) Such Police officer shall endorse his name thereon, and such endorsement shall be sufficient authority to the Police officer to whom the warrant is directed to execute the same within such division, and the local Police shall, if so required, assist such officer in executing such warrant: To be endorsed by Inspector, etc.

Provided that whenever there is reason to believe that the delay occasioned by obtaining such endorsement will prevent the execution of the warrant, the Police officer to whom it is directed may execute the same without such endorsement. Unless delay will prevent execution.

98. Any person arrested within [1][the Greater Bombay] under the provisions of section 96 or 97 shall, unless security is taken under sub-section (*2*) of section 92, be taken before a Presidency Magistrate or the Commissioner of Police. Procedure on arrest on such warrants.

99. (*1*) Such Magistrate or Commissioner shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court: Procedure of Magistrate or Commissioner of Police.

Provided that if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate or Commissioner or if such person is ready and willing to give security in pursuance of any direction endorsed on the warrant by the Court which issued the same, such Magistrate or Commissioner shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant. When bail to be taken.

[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

(2) Nothing in this section shall be deemed to prevent a Police officer from taking security under sub-section (2) of section 92.

Search Warrants.

Execution of search warrant.

100. Any person to whom a search warrant is directed by a Court may make a search or inspection in accordance with such directions as may be given therein and with the provisions hereinafter contained.

Disposal of things found on search warrant issued by Court outside Bombay

101. When in the execution of a search warrant issued by a Court outside [1][the Greater Bombay] any of the things for which search is made are found in [1][the Greater Bombay], such things together with the list of the same prepared as hereinafter provided shall be taken to the Presidency Magistrate having jurisdiction at the place where they were so found or to the Commissioner of Police, and, unless there be good reason to the contrary, such Magistrate or Commissioner shall make an order authorizing them to be taken to such Court.

Procedure as in case of warrants.

102. The provisions of sections 92, 93, 94, 96 and 97 shall, so far as may be, apply to all search warrants issued to a Police officer under this Act or under the Code of Criminal Procedure. V of 1898.

Person in charge of closed place to allow search.

103. (1) Whenever any place liable to search or inspection under this Act is closed, any person residing in, or being in charge of, such place shall, on demand of the officer or other person executing the warrant and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

Ingress how to be obtained

(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by sub-section (2) of section 78.

Search for articles concealed on person.

(3) When any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched, subject to the provisions of sub-section (2) of section 81 if such person be a woman.

Copy of list to be given to person searched.

(4) When any person is searched under sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person, if he so require.

Search to be made in presence of witnesses.

104. (1) Before making a search under this Act, the officer about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search [2][and may issue an order in writing to them or any of them so to do.]

List of things seized to be made.

(2) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52, of 1947, s. 2, proviso.

[2] These words were added by Bom. 59 of 1947, s. 4 (8) (a).

(*3*) The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request. Occupant to be present, and to have copy of list if required.

[1][(*4*) Any person, who without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code.] Refusal or neglect to attend and witness search deemed offence.

XLV of 1860.

105. The Commissioner of Police may, if he thinks fit, retain in safe custody any document or thing found or produced before him which relates to a matter under investigation or in respect of which there is a reasonable suspicion of the commission of an offence. Documents, etc., may be retained in safe custody.

Bail.

106. When any person, other than a person accused of a non-bailable offence, is arrested or detained without warrant by an officer in charge of a section and is prepared at any time while in custody of such officer to give bail, such person shall be released on bail : Bail to be taken in case of bailable offence.

Provided that such officer, if he thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

107. (*1*) When any person accused of any non-bailable offence is arrested or detained without a warrant, by an officer in charge of a section, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused. When bail may be taken in case of non-bailable offence.

(*2*) If it appears to such officer at any stage of the investigation that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry into his guilt the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer on the execution by him of a bond without sureties for his appearance as hereinafter provided.

108. Before any person is released under section 106 or 107, a bond for such sum of money as the Police officer thinks sufficient shall be executed by such person, and if he is released on bail, by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond and shall continue so to attend until otherwise directed by the Police officer or by a Magistrate. Bond of accused and his sureties.

109. (*1*) As soon as the bond has been executed, the person for whose appearance it has been executed shall be released. Discharge from custody.

(*2*) Nothing in this section or in section 106 or 107 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed. Liability to be detained for other offence.

[1] Sub-section (*4*) was added by Bom. 59 of 1947, s. 4 (*8*) (*b*).

Deposit [1] instead of bond.

[1][**109A.** When any person is required by a Police officer to execute a bond, with or without sureties, such officer may permit him to deposit a sum of money or Government promissory notes to such amount as the officer may fix, in lieu of executing such bond.]

Amount of bail not to be excessive.

110. The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive, and the High Court may in any case direct that any person be admitted to bail, or that the bail required by a Police officer be reduced.

Procedure on forfeiture of bond.

[2][**110A.** (*1*) Whenever it is proved to the satisfaction of the Court of a Presidency Magistrate that a bond taken under this Act has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

(*2*) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person or his estate if he be dead.

(*3*) Such warrant may be executed within [3][the Greater Bombay] and it shall authorize the distress and sale of any moveable property belonging to such person without [3][the Greater Bombay], when endorsed by the District Magistrate or Chief Presidency Magistrate within the local limits of whose jurisdiction such property is found.

(*4*) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(*5*) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(*6*) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond, but the party who gave the bond may be required to find a new surety.]

CHAPTER VII.

Offences and Punishments.

Wilful trespass.

111. Whoever without satisfactory excuse wilfully enters or remains in or upon any dwelling house or premises or any land or ground attached thereto, or on any ground, building, monument or structure belonging to [4][the Crown] or appropriated to public purposes, or on any boat or vessel, shall, whether he causes any actual damage or not, be punished with fine which may extend to twenty rupees.

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[1] Section 109-A was inserted by Bom. 34 of 1948, s. 3 (7).

[2] This section was inserted by s. 6 of the City of Bombay Police (Amendment) Act, 1920 (Bom. 6 of 1920).

[3] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[4] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

False alarm of fire or damage to fire alarm.

[1][111A. Whoever knowingly gives or causes to be given a false alarm of fire to the fire brigade of the municipal corporation of the City of Bombay [2][or of any other local authority in the Greater Bombay] or to any officer or fireman thereof whether by means of a street fire-alarm, statement, message or otherwise, or, with intent to give such false alarm, wilfully breaks the glass of, or otherwise damages, a street fire-alarm, shall be punished with imprisonment of either description for a term which, may extend to three months or with fine which may extend to one hundred rupees or with both.]

Being found under suspicious circumstances between sunset and sunrise.

112. Whoever is found between sunset and sunrise—

(*a*) armed with any dangerous instrument with intent to commit an offence, or

(*b*) having his face covered, or otherwise disguised, with intent to commit an offence, or

(*c*) in any dwelling-house or other building, or on board any vessel or boat without being able satisfactorily to account for his presence there, or

(*d*) lying or loitering in any street, yard or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(*e*) having in his possession without lawful excuse (the burden of proving which excuse shall be on such person) any implement of house-breaking,

shall be punished with imprisonment for a term which may extend to three months.

Carrying weapon without authority.

113. Whoever not being a soldier or sailor in His Majesty's Army or Navy, or [3][the Royal Indian Navy], or a volunteer enrolled under the [4]Indian Volunteers Act, 1869, and acting as such, or a Police officer, goes armed with any sword, spear, bludgeon, gun, or other offensive weapon in any street or public place, unless by lawful authority, shall be liable to be disarmed by any Police officer, and the weapon or weapons so seized shall be forfeited to [5][the Provincial Government], unless redeemed [6][within two months] by payment of such fine not exceeding [7][five hundred rupees] as the Commissioner of Police imposes.

Possession of property of which no satisfactory account can be given.

114. Whoever has in his possession or conveys in any manner, or offers for sale or pawn, anything which there is reason to believe is stolen property or property fraudulently obtained, shall, if he fails to account for such possession or act to the satisfaction of the Magistrate, be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees.

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[1] This section was inserted by s. 5 of the City of Bombay Police (Amendment) Act, 1917 (Bom. 2 of 1917.)

[2] These words were inserted by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso,

[3] The words "the Royal Indian Navy" were substituted for the words "Royal Indian Marine Service" by the Adaptation of Indian Laws Order in Council.

[4] *See* now the Auxiliary Force Act, 1920 (49 of 1920).

[5] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] The words "within two onths" were inserted by Bom 21 of 1930, s. 6.

[7] These words were substituted for the words "ten rupees by Bom. 59 of 1947, s. 4 (9).

Taking spirits into public hospitals;

115. Whoever—

(*a*) takes or introduces, or attempts to take or introduce, any spirits or spirituous or fermented liquors or intoxicating drugs or preparations into any public hospital without the permission of a medical officer of such hospital, or

or into barracks or on board vessels of war.

(*b*) not being amenable to the Articles of War takes or introduces, or attempts to take or introduce any such spirits, liquors, drugs or preparations not belonging to any person above the rank of a non-commissioned officer,

(*i*) into the barracks or buildings occupied by the troops composing the Garrison of Bombay or into any military barracks, guard rooms or encampments, or

(*ii*) on board or alongside of any vessel of war belonging to His Majesty in the Port,

shall be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one hundred rupees, and such spirits, liquor, drugs or preparations, and the vessels containing the same, shall be forfeited.

Omission by pawn-brokers, etc., to report to Police possession or tender of property suspected to be stolen.

116. (*1*) Whoever, being a pawn-broker, dealer in second-hand property, or worker in metals, or reasonably believed by the Commissioner of Police to be such a person, and having received from a Police officer written or printed information that the possession of any property is suspected to have been transferred by any offence mentioned in section 410 of the [1]Indian Penal Code, or by any offence punishable under section 417, 418, 419 or 420 of the said Code, is found in the possession or thereafter comes into the possession, or has an offer either by way of sale, pawn, exchange, or for custody, alteration, or otherwise howsoever, made to him, of property answering the description contained in such information, shall, unless— XLV of 1860.

(*i*) he forthwith gives information to the Commissioner of Police or at a police station of such possession or offer and takes all reasonable means to ascertain and to give information as aforesaid of the name and address of the person from whom the possession or offer was received, or

(*ii*) the property being, as an article of common wearing apparel or otherwise, incapable of identification from the written or printed information given, has been in no way concealed after the receipt of such information,

be punished with fine which may extend to fifty rupees in respect of each such article of property so in his possession or offered to him.

Melting, etc. of such property.

(*2*) Whoever, having received such information as aforesaid, alters, melts, defaces or puts away or causes or suffers to be altered, melted, defaced or put away without the previous permission of the Police any such property, shall, on proof that the same was stolen property within the meaning of section 410 of the [1]Indian Penal Code, or property in respect of which any offence punishable under section 417, 418, 419 or 420 of the said Code has been committed, be punished with imprisonment for a term which may extend to three years, or with fine, or with both. XLV of 1860.

[1] Central Acts.

117. Whoever takes from any child not appearing to be above the age of fourteen years any article whatsoever as a pawn, pledge or security for any sum of money lent, advanced or delivered to such child, or without the knowledge and consent of the owner of the article buys from such child any article whatsoever, shall be punished with fine which may extend to one hundred rupees. Taking pledge from child.

118. Whoever in any street or public place—

(*a*) cleans any article of furniture, or any vehicle, or grooms any animal, Cleaning furniture or animal.

(*b*) except at such times and places as are permitted by the Commissioner of Police, makes, or save in case of an accident, rendering repair on the spot unavoidable, repairs, any part of any vehicle, Repairing vehicles.

(*c*) rides, drives, leads, propels or places on any footpath any animal or any vehicle other than a perambulator, Taking animal or vehicle on footpath.

(*d*) except at such times and places as the Commissioner of Police permits, trains or breaks any horse, Training and breaking horses.

(*e*) sets on or urges a dog or other animal to attack, worry or put in fear any person or animal, Setting a dog to attack persons or animals.

(*f*) negligently lets loose any horse or other animal so as to cause danger, injury, alarm or annoyance, or suffers any ferocious dog to be at large without a muzzle, Letting horses loose, and suffering, ferocious dogs to be at large, etc.

(*g*) causes obstruction, damage or injury by any misbehaviour, negligence or ill-usage in the driving, management, treatment or care of any cattle or animal, Obstruction, damage, etc. by animals.

(*h*) obstructs or incommodes a person bathing at a place at which bathing is permitted, either by wilful intrusion or by improper use of such place, or Obstructing bathing.

(*i*) flies a kite so as to cause danger, injury or alarm to persons, horses or property, Frightening persons, horses, etc., by flying a kite.

shall be punished with fine which may extend to fifty rupees.

119. Whoever in or near any street or public place—

(*a*) sets fire to or burns any straw or other matter,

(*b*) lights a bonfire, or

(*c*) lets off or throws a firework,

and whoever in or within two hundred yards of any street or public place,

(*d*) wantonly discharges a firearm or air gun, or

(*e*) sends up a fire balloon or rocket,

Lighting bonfire, burning straw, discharging firearms, etc., in or near street or public place.

except at such times and places as the Commissioner of Police from time to time permits, shall, in any case falling under clause (*d*) or (*e*) of this section, be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and in any other case be punished with fine which may extend to fifty rupees.

Indecent exposure of person.

120. Whoever in any street or public place or place of public resort, or within sight of, and in such manner as to be seen [1]* * from, any street or public place, whether from within any house or building or not,—

(*a*) [2]* * * * * * *

(*b*) [3]* * * * * * *

*[4] wilfully and indecently exposes his person,

shall be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

121. [*Begging and exposure of offensive ailments.*] *Repealed by Bom. 23 of 1945, s. 34 (1) (ii), read with Bom. 53 of 1947, s. 2.*

Drunkenness or riotous or disorderly behaviour in street, etc.

122. Whoever in any street or public place or place of public resort—

(*a*) [5]* * * *

(*b*) behaves in a riotous, indecent or disorderly manner, or

Provoking breach of the peace.

(*c*) uses any threatening, abusive, insulting or obscene words or gestures, whereby a breach of the peace or public nuisance may be occasioned,

shall be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

122A. [*Punishment for being drunk and for disorderly behaviour.*] *Repealed by Bom. 25 of 1949, s. 148 and Sch. II.*

Disorderly conduct in Court and Police offices.

123. Whoever in any Court or Police station or office behaves in a violent, disorderly or indecent manner, shall be punished with fine which may extend to fifty rupees.

Disregard of notice in public building.

[6][**123A.** Whoever in any Court, Police station, Police office, building occupied by [7][the Central or the Provincial Government] or building occupied by any public body smokes or spits in contravention of a notice previously approved by the [8][Provincial Government] and affixed to such Court, station, office or building, shall be punished with fine which may extend to fifty rupees.]

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[1] The words "or heard" were repealed by Bom. 21 of 1930, s. 7.
[2] Clause (*a*) was repealed by Bom. 11 of 1923, s. 13 (*f*).
[3] Clause (*b*) was repealed, *ibid.*
[4] The letter and brackets "(*c*)" were repealed, *ibid.*
[5] clause (*a*) was deleted by Bom. 59 of 1947, s. 4 (*10*).
[6] This section was inserted by s. 7 of the City of Bombay Police (Amendment) Act, 1920 (Bom. 6 of 1920).
[7] The words "the Central or the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.
[8] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

124. Whoever in or near to any street, public place or place of public resort— Committing nuisance in or near street, etc.

(*a*) commits a nuisance by easing himself, or

(*b*) having the care or custody of any child under seven years of age suffers such child to commit a nuisance as aforesaid,

shall be punished with fine which may extend to fifty rupees.

125. Whoever, being the keeper of any place of public amusement or entertainment, knowingly— Permission of disorderly conduct in places of public amusement, etc.

[1]* permits drunkenness or other disorderly behaviour, or any gaming whatsoever, in such place, [2]*

(*b*) [3]* * * *

shall be punished with fine which may extend to one hundred rupees.

126. Whoever, by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in taking a part in the stakes or wagers, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person, for himself or any other or others, any sum of money or valuable thing, shall be deemed guilty of cheating within the meaning of section 415 of the [4]Indian Penal Code, and be liable to punishment accordingly. Cheating at games.

XLV of 1860.

126A. [*Unlawful detention for purpose of prostitution.*] *Repealed by Bom. 11 of 1923, s. 13 (1) (h).*

127. Whoever— Contravention of rules and orders.

(*a*) contravenes any rule made under section 22 or any order or prohibition lawfully given under sub-section (*3*) of section 22, [5][section 23 or section 23A], or

(*b*) disobeys or fails to conform to any lawful and reasonable direction given by any Police officer in conformity with this Act or with any rule made thereunder, or

(*c*) opposes or disobeys or fails to conform to any direction notified by the Commissioner of Police under section 27, or abets opposition to or disobedience of any such direction,

shall,—

(*i*) for any contravention of a rule made under section 22, if the rule contravened be one made under clause (*a*), [6]* or (*c*), or under sub-clause (*i*) [7][(*ii*) or (*iia*)] of clause (*f*), be punished with fine which may

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[1] The letter and brackets "(*a*)" were deleted by Bom. 11 of 1928, First Schedule.

[2] The word "or" was deleted by Bom. 11 of 1923, s. 13 (*1*) (*g*).

[3] Clause (*b*) was repealed, *ibid.*

[4] Central Acts.

[5] These words, figures and letter were substituted for the words and figures "or under section 23" by Bom. 34 of 1948, s. 3 (*8*) (*i*)

[6] The brackets and letter "(*b*)" was deleted by Bom. 63 of 1948, s. 3 (*3*) (*i*).

[7] These brackets, figures, word and letter were substituted for the word, brackets and figures "or (*ii*)" by Bom. 344 of 1948, s. 3 (*8*) (*ii*).

extend to fifty rupees, [1]* if it be one made under clause (*d*) or (*e*) or under sub-clause (*iii*), (*iv*) or (*v*) of clause (*f*), be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, or with both, [2][and if it be one made under clause (*gg*) be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both] ;

[3](*ia*) for any contravention of a rule made under clause (*b*) of section 22,—

(*a*) if the rule contravened prohibits the sale or exposure for sale of any goods on any street or portion thereof so as to cause obstruction to traffic or inconvenience to the public, be punished—

(*i*) for the first offence, with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both, and

(*ii*) for a subsequent offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ; and

(*b*) if the rule contravened is any other rule, be punished with fine which may extend to fifty rupees ;

[4][(*ii*) for any contravention of a prohibition given under sub-section (*2*) or (*3*) of section 23 or an order made under sub-section (*1*) of section 24 or 25, or in any case falling under clause (*c*) of this section be punished with imprisonment which may extend to one year, but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine ;] [5]*

[6][(*iia*) for any contravention of an order made under section 23A, be punishable with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both ;]

(*iii*) in any other case, be punished with fine which may extend to one hundred rupees.

128. [*Unauthorised return after removal from Bombay.*] *Repealed by Bom. 15 of 1946, s. 5.*

129. [*Prostitute, etc., not complying with notice.*] *Repealed by Bom. 11 of 1923, s. 13 (1) (g).*

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[1] The word " and " was deleted by Bom. 59 of 1947, s. 4 (*12*) (*i*).

[2] These words were added, *ibid.*, s. 4 (*12*) (*ii*).

[3] This clause was inserted by Bom. 63 of 1948, s. 3 (*3*) (*ii*).

[4] Clause (*ii*) was substituted for the original by Bom. 15 of 1946, s. 4.

[5] The word " and " was deleted by Bom. 34 of 1948, s. 3 (*8*) (*iii*).

[6] Clause (*iia*) was inserted *ibid.*, s. 3 (*8*) (*iv*).

130. It shall not be incumbent on the Commissioner of Police, or any Superintendent specially authorized in writing in that behalf by the Commissioner, to prosecute for any offence punishable under sub-section (*3*) of section 10, section 118, 119, 122, [1][or 127], save in obedience to a rule or order made by the [2][Provincial Government] or when such offence has occasioned serious mischief. Prosecution for certain offences to be discretionary.

131. Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act, or from being prosecuted and punished under this Act, for an offence punishable under any other enactment: Provided that all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure. Prosecution for offences under other enactments.

V of 1898.

CHAPTER VIII.

MISCELLANEOUS.

132. All fees paid for licences or written permissions issued under this Act, and all sums paid for the service of processes by Police officers, and all rewards, forfeitures and penalties or shares thereof which are by law payable to Police officers as informers, shall, save in so far as any such fees or sums belong under the provisions of any enactment in force to [3][any local authority], be credited to [4][the Provincial Government]: Disposal of fees, rewards, etc.

Provided that, with the sanction of the [5][Provincial Government], or under any rule made by the [5][Provincial Government] in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to a Police officer, or be divided amongst two or more Police officers.

133. Any order or notification published or issued by the [5][Provincial Government] or by a Magistrate or officer under any provision of this Act, and the due publication or issue thereof, may be proved by the production of a copy thereof in the [6][*Official Gazette*,] or of a copy thereof signed by such Magistrate or officer, and by him certified to be a true copy of an original published or issued according to the provisions of the section of this Act applicable thereto. Method of proving orders and notifications.

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[1] The word and figures "or 127" were substituted for the word, letter and figures "126-A, 127 or 128" by Bom. 11 of 1923, s. 13 (*1*) (*k*).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for the words "the Municipality" by Bom. 17 of 1945, s. 9, and Sch. E, read with Bom. 52 of 1947, s. 2 proviso.

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council."

[5] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[6] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Rules and orders not invalidated by defect of form or irregularity in procedure.

134. No rule, order, direction, adjudication, inquiry or notification made or published, and no act done under any provision of this Act or of any rule made under this Act, or in substantial conformity to the same, shall be deemed illegal, void, invalid or insufficient by reason of any defect of form or publication or any irregularity of procedure.

Application by person interested to annul, etc. rule or order.

135. (*1*) In the case of any rule or order made by the [1][Provincial Government] under an authority conferred by this Act and requiring the public or a particular class of persons to perform some duty or act, or to conduct or order themselves or those under their control in a manner therein described, it shall be competent to any person interested to apply to the [1][Provincial Government] by a memorial addressed to a Secretary to [2][the Provincial Government], to annul, reverse or alter such rule or order on the ground of its being unlawful, oppressive or unreasonable.

When a suit will lie to declare order unlawful.

(*2*) If such an application has been wholly or in part rejected or if after the lapse of four months no answer thereto or decision thereon has been received from or published by the [1][Provincial Government], it shall be competent to the person interested to institute a suit against [2][the Provincial Government] for a declaration that such rule or order is unlawful either wholly or in part. Any such rule or order finally adjudged to be unlawful shall be annulled or reversed or so altered as to make it conformable to law.

Licences and written permissions to specify conditions, etc., and to be signed.

136. (*1*) Any licence or written permission granted under the provisions of this Act shall specify the period and locality for which, and the conditions and restrictions subject to which, the same is granted, and shall be given under the signature of the Commissioner of Police; and such fee shall be charged therefor as is prescribed by any rule under this act on that behalf.

Revocation of licences, etc.

(*2*) Any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner of Police, if any of its conditions or restrictions is infringed or evaded by the person to whom it has been granted, or if such person is convicted of any offence in any matter to which such licence or permission relates.

[3][For the purpose of this sub-section any such infringement or evasion by, or conviction of, a servant or other agent acting on behalf of the person to whom the licence or written permission has been granted shall be deemed to be infringement or evasion by, or as the case may be conviction of, the person to whom such licence or written permission has been granted.]

When licence revoked, etc., grantee to be deemed without licence.

(*3*) When any such licence or written permission is suspended or revoked, or when the period for which the same was granted has expired, the person to whom the same was granted shall, for all purposes of this Act, be deemed to be without a licence or written permission, until the order for suspending or revoking the same is cancelled, or until the same is renewed, as the case may be.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] This portion was added by Bom. 59 of 1947, s. 4 (*13*).

(*4*) Every person to whom any such licence or written permission has been granted shall, while the same remains in force, at all reasonable times, produce the same, if so required by a Police officer.

Grantee to produce licence, etc., when required.

137. Any public notice required to be given under any of the provisions of this Act shall be in writing under the signature of the Commissioner of Police, and shall be published in the locality to be affected thereby, affixing copies thereof in conspicuous public places, or by proclaiming the same with beat of drum, or by advertising the same in such local newspapers, English or Vernacular, as the Commissioner of Police may deem fit, or by any two or more of these means and by any other means he may think suitable.

Public notices how to be given.

138. Whenever under this Act the doing or the omitting to do anything or the validity of anything depends upon the consent, approval, declaration, opinion or satisfaction of the Commissioner of Police or of any other Police officer, a written document signed by the Commissioner of Police or by such officer purporting to convey or set forth such consent, approval, declaration, opinion or satisfaction shall be sufficient evidence thereof.

Consent, etc., of Commissioner of Police may be proved by writing under his signature.

139. Every licence, written permission, notice, or other document, not being a summons or warrant, or search warrant, required by this Act, or by any rule thereunder, to bear the signature of the Commissioner of Police, shall be deemed to be properly signed if it bears a facsimile of his signature stamped thereon.

Signature on notices, etc., may be stamped.

140. (*1*) No Magistrate or Police officer shall be liable to any penalty or to payment of damages on account of any act done in [1][good faith] in pursuance or intended pursuance of any duty imposed or authority conferred on him by any provision of this Act or of any rule, order or direction lawfully made or given thereunder.

Magistrate or Police officer not liable to penalty or damages for act done in good faith in discharge of duty.

(*2*) No public servant or person duly appointed or authorized shall be liable as aforesaid for giving effect in good faith to any such order or direction issued with apparent authority by the [2][Provincial Government] or by a person empowered in that behalf under this Act or any rule made thereunder.

Nor public servants, etc., for giving effect in good faith to rule, etc., issued with apparent authority.

(*3*) In any case of an alleged offence by a Magistrate, Police officer or other person or of a wrong alleged to have been done by such Magistrate, Police officer or other person, by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence or wrong, if committed or done, was of the character aforesaid the prosecution or suit shall not be entertained, or shall be dismissed, if instituted more than three months after the date of the act complained of.

Prosecutions or suits for acts done under colour of duty barred after three months.

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[1] As to definition of "good faith" *see* s. 52 of the Indian Penal Code (Act 45 of 1860), Central Acts and s. 3 (20) of the Bombay General Clauses Act, 1904 (Bom. I of 1904), *infra*.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

Suits in certain cases to be dismissed.

(*4*) The plaint in any such suit shall be rejected if it does not expressly allege that the act complained of was done maliciously and without reasonable or probable cause ; and any such suit shall be dismissed if, in the case of an action for damages, tender of sufficient amends shall have been made before the suit was brought, or a sufficient sum of money is paid into Court, with costs, by or on behalf of the defendant, after the institution of the suit.

SCHEDULE A.

Enactments repealed. [vide *section 2 (1)*.]

Year.	No.	Subject or Title.	Extent of repeal.
1856 ..	XIII	An Act for regulating the Police of the Towns of Calcutta, Madras and Bombay.	So far as it affects the Town of Bombay so much as has not been repealed.
1860 ..	XLVIII	An Act to amend Act XIII of 1856.	So far as it affects the Town of Bombay so much as has not been repealed.
1898 ..	V	The Code of Criminal Procedure.	In sub-section (*2*) of sections 54, 55, 56 and 127 and in sub-section (*4*) of section 84 *the letter* "s" *in the word* "Towns" *and the words* "and Bombay".
			The whole of Chapter IX so far as it applies to the Town of Bombay.
			Sub-section (*2*) of section 83, and sections 85, 86 and 155 so far as they apply to the Police in the Town of Bombay.

SCHEDULE B.

Certificate to be received by Police officers appointed by the Commissioner of Police [vide *section 8 (1)*.]

A. B. has been appointed by the Commissioner of Police for [1][the Greater Bombay] to the Police of [1][the Greater Bombay] and is vested with the powers, functions and privileges of a Police officer, under the City of Bombay Police Act, 1902.

Commissioner of Police.

[1] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2 proviso.

THE BOMBAY GENERAL CLAUSES ACT, 1904.

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SCHEDULE.

BOMBAY ACT No. I OF 1904.[1]

[THE BOMBAY GENERAL CLAUSES ACT, 1904.]

[*30th May 1904.*]

Amended by Bom. 4 of 1905.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

*Amended by Bom. 17 of 1945.

Amended by Bom. 5 of 1948.

An Act for further shortening the language used in Bombay Acts, and for other purposes.

WHEREAS it is expedient further to shorten the language used in Bombay Acts, and to make certain other provisions relating to those Acts; It is hereby enacted as follows :—

Preliminary.

1. This Act may be called the Bombay General Clauses Act, 1904. **Short title.**

2. The Bombay Acts mentioned in the Schedule are repealed to the extent specified in the fourth column thereof. **Repeal.**

General Definitions.

3. In this Act, and in all Bombay Acts made after the commencement of this Act, unless there is anything repugnant in the subject or context,— **Definitions.**

XLV of 1860. (*1*) "abet", with its grammatical variations and cognate expressions, shall have the same meaning as in the [2]Indian Penal Code; **"Abet."**

(*2*) "act", used with reference to an offence or a civil wrong, shall include a series of acts; and words which refer to acts done shall extend also to illegal omissions; **"Act."**

(*3*) "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing; **"Affidavit."**

(*4*) "barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland; **"Barrister."**

(*5*) "Bombay Act" shall mean an Act made by the Governor of Bombay in Council under the [3]Indian Councils Act, 1861, or the Indian Councils Acts, 1861 and 1892 [4][or the Indian Councils Acts, 1861 to 1909, or the Government of India Act, 1915, or made by the local Legislature, or the Governor of the Presidency of Bombay under the Government of India Act, or by the Provincial Legislature, or the Governor of Bombay, under the Government of India Act, 1935]; **"Bombay Act."**

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1903, Pt. VII, pp. 5, 6; for Report of Select Committee, *see ibid.*, 1904, Pt. VII, p. 1, and for Proceedings in Council, *see ibid.*, 1903, Pt. VII, p. 130, *ibid.*, 1904, Pt. VII, p. 42.

[2] Central Acts.

[3] *See* now the Government of India Act, 1935.

[4] These words and figures were inserted by the Adaptation of Indian Laws Order in Council.

*This Act has been re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2

(*6*) [1]* * *

(*7*) [1]* * *

(*8*) [1]* * *

"Chapter." (*9*) "Chapter" shall mean a Chapter of the Act in which the word occurs;

"City of Bombay." [2][(*10*) "City of Bombay" shall mean the area within the local limits of the ordinary original civil jurisdiction of the Bombay High Court of Judicature immediately before the date on which the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, came into force:] Bom. XVII of 1945.

"Collector." (*11*) "Collector" shall mean, in the City of Bombay, the Collector of Bombay, and elsewhere the chief officer in charge of the revenue-administration of a district;

"Commencement." (*12*) "commencement", used with reference to an Act, shall mean the day on which the Act comes into force;

"Commissioner." (*13*) "Commissioner" shall mean, in Sind, the [3][Provincial Government], and elsewhere the Commissioner of a division appointed under the Bombay Land-Revenue Code, 1879, or any other law for the time being in force in this behalf; Bom. V of 1879.

"Consular Officer." (*14*) "Consular officer" shall include consul-general, consul, vice-consul, consular agent, proconsul and any person for the time being authorized to perform the duties of consul-general, consul, vice-consul or consular agent;

"District Judge." (*15*) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction, but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

"Document." (*16*) "document" shall include any matter written, expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, which is intended to be used, or which may be used, for the purpose of recording that matter;

"Enactment." (*17*) "enactment" shall include [4]* * * any Regulation of the Bombay Code, and shall also include any provision contained in any Act or in any such Regulation as aforesaid;

"Father." (*18*) "father", in the case of any one whose personal law permits adoption, shall include an adoptive father;

"Financial year." (*19*) "financial year" shall mean the year commencing on the first day of April;

"Good faith." (*20*) a thing shall be deemed to be done in "good faith" where it is in fact done honestly, whether it is done negligently or not;

[5][(*21*) "Greater Bombay" shall mean the areas specified in Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945:]. Bom. XVII of 1945.

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[1] Clauses (*6*), (*7*) and (*8*) were omitted by the Adaptation of Indian Laws Order in Council.

[2] This clause was substituted for the original by Bom. 17 of 1945, s. 9 Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[3] The words "Provincial Government" were substituted for the words "Commissioner in Sind" by the Adaptation of Indian Laws Order in Council.

[4] The words deleted by Bom. 5 of 1948, s. 2, have been omitted.

[5] This clause was inserted by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

(*21*) [1]* * * *

(*22*) "High Court," used with reference to civil proceedings, shall mean the highest Civil Court of appeal in the part of the Bombay Presidency in which the Act containing the expression operates; "High Court."

(*23*) "His Majesty" or "the King" shall include His successors; "His Majesty" or "the King."

(*24*) "immovable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth; "Immovable property."

XLV of 1860. (*25*) "imprisonment" shall mean imprisonment of either description as defined in the [2]Indian Penal Code; "Imprisonment."

(*26*) "local authority" shall mean a municipal corporation, municipality, local board, body of port trustees or commissioners, or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund; "Local authority."

(*27*) [1]* * * * * *

V of 1898. (*28*) "Magistrate" shall include every person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure for the time being in force; "Magistrate."

(*29*) "master", used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship; "Master" (of a ship).

(*30*) "month" shall mean a month reckoned according to the British calendar; "Month."

(*31*) "moveable property" shall mean property of every description, except immovable property; "Moveable property."

(*32*) "oath" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing; "Oath."

(*33*) "offence" shall mean any act or omission made punishable by any law for the time being in force; "Offence."

(*34*) "Part" shall mean a Part of the Act in which the word occurs; "Part."

(*35*) "person" shall include any company or association or body of individuals, whether incorporated or not; "Person."

XLV of 1860. (*36*) "public nuisance" shall mean a public nuisance as defined in the [2]Indian Penal Code; "Public nuisance."

(*37*) "registered," used with reference to a document, shall mean registered in British India under the law for the time being in force for the registration of documents; "Registered."

(*38*) [3]* * * * "Regulation."

(*39*) "rule" shall mean a rule made in exercise of a power conferred by any enactment, and shall include a regulation made as a rule under any enactment; "Rule."

(*40*) "schedule" shall mean a schedule to the Act in which the word occurs; "Schedule."

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[1] Clauses (*21*) and (*27*) were omitted by the Adaptation of Indian Laws Order in Council.
[2] Central Acts.
[3] Clause (*38*) was deleted by Bom. 5 of 1948, s. 2.

"Scheduled District."

(*41*) "[1]Scheduled District" shall mean a "Scheduled District" as defined in the [2]Scheduled Districts Act, 1874; XIV of 1874.

"Section."

(*42*) "section" shall mean a section of the Act in which the word occurs;

"Ship."

(*43*) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars;

"Sign."

(*44*) "sign", with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark", with its grammatical variations and cognate expressions;

"Son."

(*45*) "son", in the case of any one whose personal law permits adoption, shall include an adopted son;

"Sub-section."

(*46*) "sub-section" shall mean a sub-section of the section in which the word occurs;

"Swear."

(*47*) "swear", with its grammatical variations and cognate expressions, shall include affirming and declarating in the case of persons by law allowed to affirm or declare instead of swearing;

"Vessel."

(*48*) "vessel" shall include any ship or boat or any other description of vessel used in navigation;

"Will."

(*49*) "will" shall include a codicil and every writing making a voluntary posthumous disposition of property;

"Writing."

(*50*) expressions referring to "writing" shall be construed as including references to printing, lithography, photography and other modes of representing or reproducing words or figures in a visible form on any substance; and

"Year."

(*51*) "year" shall mean a year reckoned according to the British calendar.

Application of certain of the foregoing definitions to previous Bombay Acts.

4. The definitions in section 3 of the following words, that is to say, "abet", "affidavit", [3]* *, "Chapter", "City of Bombay", "Collector", "Commissioner", "good faith", [4][Greater Bombay] [3]* * *, "immovable property", "imprisonment", "Magistrate", "month", "moveable property", "oath", "Part", "person", [3]* * *, "Schedule", "section", "swear", "vessel", "writing" and "year", apply also, unless there is anything repugnant in the subject or context, to all Bombay Acts made before the commencement of this Act.

General Rules of Construction.

Coming into operation of Bombay Acts.

5. [5](*1*) Where any Bombay Act is not expressed to come into operation on a particular day, then it shall come into operation, if it is an Act of the Legislature, on the day on which the assent thereto of the Governor, the Governor General or His Majesty, as the case may require, is first published in the *Official Gazette*, and if it is an Act of the Governor, on the day on which it is first published as an Act in the *Official Gazette*.

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[1] That is the villages belonging to the following Mehwassi Chiefs :—
(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walwi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

[2] The Scheduled Districts Act ceases to have effect under the Adaptation of Indian Laws Order in Council.

[3] The words "British India", "Government of India" and "Presidency of Bombay" were omitted by the Adaptation of Indian Laws Order in Council.

[4] These words were inserted by Bom. 17 of 1945 read with Bom. 52 of 1947, s. 2, proviso.

[5] This sub-section was substituted for the original sub-section by the Adaptation of Indian Laws Order in Council.

(*2*) Unless the contrary is expressed, a Bombay Act shall be construed as coming into operation immediately on the expiration of the day preceding its commencement.

6. In this Act, and in every Bombay Act made after the commencement of this Act, the date of such publication as is mentioned in section 5, sub-section (*1*), shall be printed above the title of the Act, and shall form part of the Act.

Printing of date on which Act is published after having received the assent of the Governor, Governor General, or His Majesty, as the case may require.

7. Where this Act, or any Bombay Act made after the commencement of this Act, repeals any enactment hitherto made or hereafter to be made, then, unless a different intention appears, the repeal shall not—

Effect of repeal.

(*a*) revive anything not in force or existing at the time at which the repeal takes effect; or

(*b*) affect the previous operation of any enactment so repealed or anything duly done or suffered thereunder; or

(*c*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(*d*) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(*e*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

[1][**7A.** Where any Bombay Act made after the commencement of this Act repeals any enactment by which the text of any previous enactment was amended by the express omission, insertion or substitution of any matter, then, unless a different intention appears, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the time of such repeal.]

Repeal of enactment making textual amendment in any Act.

8. (*1*) In any Bombay Act made after the commencement of this Act it shall be necessary, for the purpose of reviving, either wholly or partially, any enactment wholly or partially repealed, expressly to state that purpose.

Revival of repealed enactments.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

9. Where this Act, or any Bombay Act made after the commencement of this Act, repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any other enactment or in any instrument to the the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted.

Construction of references to repealed enactments.

10. (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of excluding the first in a series of days or any other period of time, to use the word "from" and, for the purpose of including the last in a series of days or any other period of time, to use the word "to".

Commencement and termination of time.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

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[1] This section was inserted by Bom. 5 of 1948, s. 3.

Computation of time.

11. Where, by any Bombay Act made after the commencement of this Act, any act or proceeding is directed or allowed to be done or taken in any Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open:

Provided that nothing in this section shall apply to any act or proceeding to which the [1]Indian Limitation Act, 1877, applies.

Measurement of distances.

12. In the measurement of any distance for the purpose of any Bombay Act made after the commencement of this Act, that distance shall, unless a different intention appears, be measured in a straight line on a horizontal plane.

Gender and number.

13. In all Bombay Acts, unless there is anything repugnant in the subject or context,—

(*a*) words importing the masculine gender shall be taken to include females; and

(*b*) words in the singular shall include the plural, and *vice versa*.

Powers and Functionaries.

Powers conferred on any Government to be exercisable from time to time.

14. Where, by any Bombay Act made after the commencement of this Act, any power is conferred on [2][any Government], then that power may be exercised from time to time as occasion requires.

Power to appoint to include power to appoint *ex-officio*.

15. Where, by any Bombay Act, a power to appoint any person to fill any office or execute any function is conferred, then, unless it is otherwise expressly provided, any such appointment, if it is made after the commencement of this Act, may be made either by name or by virtue of office.

Power to appoint to include power to suspend or dismiss.

16. Where, by any Bombay Act, a power to make any appointment is conferred, then, unless a different intention appears, the authority having power to make the appointment shall also have power to suspend or dismiss any person appointed by it in exercise of that power.

Substituion of functionaries.

17. (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, to mention the official title of the officer at present executing the functions, or that of the officer by whom the functions are commonly executed.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

Successors.

18. (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of indicating the relation of a law to the successors of any functionaries or of corporations having perpetual succession, to express its relation to the functionaries or corporations.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

Official chiefs and subordinates.

19. (*1*) In any Bombay Act made after the commencement of this Act it shall be sufficient, for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully performing the duties of that office in the place of their superior, to prescribe the duty of the superior.

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[1] *See* now the Indian Limitation Act, 1908 (9 of 1908), Central Acts.

[2] The words "any Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

(*2*) This section applies also to all Bombay Acts made before the commencement of this Act.

Provisions as to Orders, Rules, etc., made under Enactments.

20. Where, by any Bombay Act, a power to issue any notification, order, scheme, rule, by-law or form is conferred, then expressions used in the notification, order, scheme, rule, by-law or form, if it is made after the commencement of this Act, shall, unless there is anything repugnant in the subject or context, have the same respective meanings as in the Act conferring the power.

Construction of orders, etc., issued under Bombay Acts.

21. Where, by any Bombay Act, a power to issue notifications, orders, rules or by-laws is conferred, then that power includes a power, exercisable in the like manner and subject to the like sanction and conditions (if any), to add to, amend, vary or rescind any notifications, orders, rules or by-laws, so issued.

Power to make to include power to add to, amend, vary or rescind, orders, etc.

22. Where, by any Bombay Act which is not to come into operation on [1][the passing thereof], a power is conferred to make rules or by-laws, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office, or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which anything is to be done under the Act, then that power may be exercised at any time after [1][the passing thereof], but rules, by-laws or orders so made or issued shall not take effect till the commencement of the Act.

Making of rules or by-laws and issuing of orders between publication and commencement of Bombay Act.

23. Where, in any Bombay Act or in any rule passed under any such Act, it is directed that any order, notification or other matter shall be notified or published, then such notification or publication shall, unless the enactment or rule otherwise provides, be deemed to be duly made if it is published in the [2][*Official Gazette*].

Publication of orders and notifications in the *Official Gazette* to be deemed to be due publication.

24. Where, by any Bombay Act, a power to make rules or by-laws is expressed to be given subject to the condition of the rules or by-laws being made after previous publication, then the following provisions shall apply, namely—

Provisions applicable to making of rules or by-laws after previous publication.

(*a*) the authority having power to make the rules or by-laws shall, before making them, publish a draft of the proposed rules or by-laws for the information of persons likely to be affected thereby;

(*b*) the publication shall be made in such manner as that authority deems to be sufficient or, if the condition with respect to previous publication so requires, in such manner as the [3][Central Government, or as the case may be, the Provincial Government] prescribes;

(*c*) there shall be published with the draft a notice specifying a date on or after which the draft will be taken into consideration;

(*d*) the authority having power to make the rules or by-laws, and, where the rules or by-laws are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules or by-laws from any person with respect to the draft before the date so specified;

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[1] The words "the passing thereof" were substituted for the words "the day on which it is first published in the *Bombay Government Gazette* after having received the assent of the Governor-General" and "the Act has been published as aforesaid" respectively by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "Central Government, or as the case may be, the Provincial Government" were substituted for the words "Local Government", *ibid.*

(*e*) the publication in the [1][*Official Gazette*] of a rule or by-law purporting to have been made in exercise of a power to make rules or by-laws after previous publication shall be conclusive proof that the rule or by-law has been duly made.

Continuation of orders, etc. issued under enactments repealed and re-enacted.

25. Where any enactment is, after the commencement of this Act, repealed and re-enacted by a Bombay Act with or without modification, then, unless it is otherwise expressly provided, any appointment, notification, order, scheme, rule by-law or form made or issued under the repealed enactment shall, so far as it is not inconsistent with the provisions re-enacted, continue in force, and be deemed to have been made or issued under the provisions so re-enacted, unless and until it is superseded by any appointment, notification, order, scheme, rule, by-law or form made or issued under the provisions so re-enacted.

Miscellaneous.

Recovery of fines.

26. Sections 63 to 70 of the [2]Indian Penal Code, and the provisions of the Code of Criminal Procedure for the time being in force in relation to the issue and the execution of warrants for the levy of fines, shall apply to all fines imposed under any Bombay Act, or any rule or by-law made under any Bombay Act, unless the Act, rule or by-law contains an express provision to the contrary. XLV of 1860. V of 1898.

Provision as to offences punishable under two or more enactments.

27. Where an act or omission constitutes an offence under two or more enactments, then the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

Meaning of service by post.

28. Where any Bombay Act made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression "serve" or either of the expressions "give" or "send" or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document, and, unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Citation of enactments.

29. (*1*) In any Bombay Act, and in any rule, by-law, instrument or document made under, or with reference to, any Bombay Act, any enactment may be cited by reference to the title or short title (if any) conferred thereon or by reference to the number and year thereof, and any provision in an enactment may be cited by reference to the section or sub-section of the enactment in which the provision is contained.

(*2*) In this Act, and in any Bombay Act made after the commencement of this Act, a description or citation of a portion of another enactment shall, unless a different intention appears, be construed as including the word, section or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

Saving for previous Acts, rules and by-laws.

30. Where any Act, rule or by-law made after the commencement of this Act continues or amends any Acts, rules or by-laws made before the commencement of this Act, the foregoing sections of this Act shall not by reason merely of such continuance or amendment affect the construction of such Acts, rules or by-laws.

[1] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[2] Central Acts.

[1][31. The provisions of this Act shall apply—

(*a*) in relation to any Regulation made by the Governor of Bombay under section 92 of the Government of India Act, 1935, as they apply in relation to Acts made by the Provincial Legislature; and

(*b*) in relation to any Ordinance promulgated by the Governor of Bombay under section 88 or section 89[2] of the said Act, as they apply in relation to Acts made under that Act by the Governor.]

Application to Ordinances and Regulations under the Government of India Act, 1935.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See* section 2.)

Year.	No.	Title or Subject.	Extent of repeal.
1886 ..	III	The Bombay General Clauses Act, 1886 ..	The whole [3][except so much of [4]Schedule B as relates to unrepealed enactments].
1891 ..	I	An Act to amend the Bombay General Clauses Act, 1886.	So much as is unrepealed.
1896 ..	I	Do. do. ..	The whole.

APPENDIX.

[5]*SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886).*

VERBAL AMENDMENTS MADE IN THE REGULATIONS AND ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
Regulations.	19	1	"Magistrate"	"District Magistrate".
[6]XII of 1827.	19	6	"The Magistrate" (the first time the words occur).	"the District Magistrate".
	19	6	"the Magistrate" (the second time the words occur.)	"any Magistrate".
	19	6	"ordinary"	"simple".
	19	7	"without labour"	....
	19	7	"Magistrate" (the first time the word occurs).	"District Magistrate".
			"Magistrate" (the second time the word occurs).	"Magistrate before whom proceedings against such individual are being held".
	19	8	"the Magistrate shall also" ..	"any Magistrate may".

[1] Section 31 was inserted by the Adaptation of Indian Laws Order in Council.

[2] Section 89 was omitted by the India (Provisional Constitution) Order, 1947.

[3] These words were inserted by s. 2 of the Bombay Repealing and Amending Act, 1905 (Bom. 4 of 1905).

[4] Printed as an Appendix to this Act.

[5] This schedule so far as it affects unrepealed enactments has been reproduced here as an Appendix as the insertion of certain words in the schedule to Bom. I of 1904 by Bom. 4 of 1905, has revived it as regards such enactments. Entries relating to sections which have been repealed or substituted after the passing of Bom. 4 of 1905, have also been omitted, a footnote explanation being given in each case.

[6] Bom. Reg. XII of 1827, s. 19, cls. 1, 6, 7 and 8 is repealed by the Bombay District Police Act, 1890 Bom. 4 of 1890), wherever that Act extends. For the Regn. *see* Vol. I of this Code.

SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)—contd.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
Regulations—contd.				
XII of 1827 —*contd.*	[1]20	..	[1]"Magistrate"	[1]"District Magistrate."
	27	2	"Magistrate" (each time the word occurs).	"District Magistrate."
	27	2	"ordinary"	"simple".
	27	2	"without hard labour" ..	....
	37	1	"Magistrate"	"District or Sub-Divisional Magistrate".
[2]XXII of 1827	40	..	"Magistrate"	"District Magistrate."
	41	1	"local"	"District".
	42	1	"local" ..	"District".
	42	2, 3, 4	"Magistrate" (each time the word occurs).	"District Magistrate."
[2]XXV of 1827 ..	4	2	"Magistrate" (both times the word occurs).	"District Magistrate".
	7	..	"Magistrate"	"District Magistrate."
Acts.				
[3]I of 1862	1	..	"Annexed to this Act" ..	....
IV of 1862 ..	1	..	"the Magistrate" (the second time the words occur).	"a Magistrate of the first class."
	1	..	"calendar" ..	....
	6	..	"Magistrate" ..	"District Magistrate".
	6	..	"this Act"	"section 4".
	6	..	"of Police"	....
	7	..	"of either kind"	....
	7	..	"calendar"	....
	10	..	"Magistrate"	"District Magistrate".
	10	..	"of Police"	....
V of 1862	3	..	"Calendar"	....
VI of 1862 ..	8 and 9	..	"Calendar" (each time the word occurs).	....
	21	..	"The following words and expressions".	....
	21	..	"shall have the meanings hereby assigned to them."	....
	21	..	"(that is say)" ..	....
I of 1863 ..	6	..	"Justice of the Peace or person exercising the powers of a Magistrate within the province of Sind".	"of the first class".
	12	..	Ditto	Ditto.
	11	..	"of this Act"	....

[1] On coming into force of Part VI of the Bombay Weights and Measures Act, 1932 (Bom. 15 of 1932) in any area the entry relating to section 20 of Bombay Regulation XII of 1827, shall be deemed to be repealed (*vide* Second Sch., Pt II and s. 47 of Bom. 15 of 1932).

[2] See *supra*.

[3] Bom. 1 of 1862 has been repealed by Bom. 11 of 1928, s. 3, Second Schedule.

SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)—contd.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
Acts—contd.				
II of 1863	2	..	"of this Act" (the first time the words occur).	....
	3, 4, 5, 7, 8, 10, 11 and 13	..	"of this Act" (each time the words occur).	....
	4, 5 and 11	..	"calendar" (each time the word occurs).	....
	5 and 11	..	"collectorate or" (each time the words occur).	....
	11	4	"collectorate" ..	"district".
	11	6	"collectorate" (each time the word occurs).	"district".
III of 1863	1 and 2	..	"to this Act" (each time the words occur).	....
V of 1863	20	..	"of this Act"	....
[1]* * * *	* *	* *	* * * * *	* * * *
VII of 1863	6	..	"of this Act" (the first time the words occur).	....
	7, 8, 9, 11, 12, 13 and 26	..	"of this Act" (each time the words occur).	....
	9	1 and 2	"collectorate or" (each time the words occur).	....
	9	3, 4, 6 and 7	"collectorate" (each time the word occurs).	"district".
	9	8	"calendar"	....
	9	9	"Revenue"	....
	9	9	"of the division"	....
	12	..	"or Sub-Collector"	....
	20	2	"annexed"	....
VII of 1866	6	..	"of this Act"	....
XII of 1866	15	..	"annexed to this Act" ..	....
[2]* * *	* *	* *	* * * * *	* * *
VI of 1867	5, 9 and 10.	..	"of this Act" (each time the words occur).	....
[3]VII of 1867	34	..	"Of this Act" (each time the words occur).	....
	"	..	"full-power Magistrate" ..	"Magistrate of the first class".

[1] The entry relating to Bom. 6 of 1863 is omitted as the Act has been repealed by Bom. 7 of 1920.

[2] The entry relating to Bom. 13 of 1866 is omitted as that Act ceases to have effect under the Adaptation of Indian Laws Order in Council.

[3] During such time as Bom. 6 of 1933 and the rules and by-laws shall be in operation in any village, sections 33 and 34 of Bom. 7 of 1867 cease to have any operation in the said village. *See* section 115 of Bom. 6 of 1933.

SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)—contd.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
VIII of 1867	[1[1	..	"Commissioner of Police" Act, 1861.	"Acts, 1867 and 1890"].
	3, 4, 5, 15 and 18	..	"of Police" (wherever in the said sections those words follow the word "Commissioner").	....
	5	..	"Police" (in each place in which the word precedes the word "Commissioner").	....
	18	..	"of this Act"	....
II of 1868 ..	17	..	"Revenue or Police" ..	....
[2]* * *	* *	* *	* * * * * *	* *
I of 1874 ..	In the preamble	..	"to this Act"	....
	4	..	The last three words ..	....
	13	..	"of this Act" (the first time the words occur).	....
	14	..	"of this Act"	....
	29	..	"calendar"	....
II of 1874 ..	15	..	"of this Act" (each time the words occur).	....
[3]III of 1874 ..	3, 4, 6, 7, 10, 11, 12, 13, 21, 31, 37, 39, 55, 67, 73, 75, 76 and 83	..	"of this Act" (each time the words occur).	....
	6	1	"Revenue" (each time the word occurs).	....
	20	..	"of this Act" (the first time the words occur).	....
	40	1	The last three words	....
	73	2	"thereof"	....
	74	..	"revenue"	....
	"	..	"appointed under Regulation V of 1830, or other law in force for the time being".	....
	77	..	"empowered under the provisions of Bombay Act I of 1868."	....
	"	..	"so empowered"	....
	84	..	"Revenue"	....
III of 1875 ..	7	..	"of either description" ..	....
	"	..	"calendar"	....

[1] Inserted by the Bombay General Clauses Amendment Act, 1891 (Bom. I of 1891).

[2] The entry relating to Bom. 3 of 1869 is omitted as that Act has been repealed by Bom. 6 of 1933

[3] The entries relating to ss. 44, 47, 50 and 59 of this Act are omitted as they have been repealed or substituted by Bom. 3 of 1910.

SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)—contd.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
II of 1876	14, 16, 18 and 33	..	"of this Act" (each time the words occur).	....
	16	..	"hereunto annexed"	....
	31	..	"annexed to this Act"	....
[1]* * * * * * *	* * * * *	* * *		
I of 1877	3, 9, 16, 17 and 25.	..	"of this Act" (each time the words occur).	....
	9, 10, 11, 14, 15, 17 and 18	..	"hereto annexed" (each time the words occur).	....
	12	(b)	"of this Act"	....
	19	..	"of this Act" (the first time the words occur).	....
	23	(b)	"of this Act"	....
	20 and 24	...	"of either description within the meaning of the Indian Penal Code" (in each place in which these words occur).	....
	28	..	"The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code shall apply to".	....
	28	..	"and all such fines"	....
[2]V of 1878	3	3	"means, in Sind, the [3][Provincial Government] and elsewhere a Commissioner of land-revenue, or, if Government appoint any other officer to be a Commissioner for the purposes of this Act, such other officer."	"includes an officer appointed by Government to be a Commissioner for the purposes of this Act".
	3	4	"means a Collector of land-revenue or".	"includes".
	45	..	"of this Act" (each time the words occur).	....
IV of 1879	3	..	The last three words	....
	9, 10, 11, 14, 15, 17 and 18	..	"hereto annexed" (each time the words occur).	....
	9, 16, 17 and 25	..	"of this Act" (each time the words occur).	....

[1] The entry relating to Bom. 3 of 1876 is omitted as the Act has been repealed by Bom. 2 of 1906.
[2] The entry relating to section 50 of this Act is omitted as the section has been subsequently substituted by Bom. 12 of 1912.
[3] The words "Provincial Government" were substituted for the words "Commissioner in Sind" by the Adaptation of Indian Laws Order in Council.

SCHEDULE B to the Bombay General Clauses Act, 1886 (Bom. Act III of 1886)—concld.

Enactment			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
IV of 8179—*contd.*	12	(*b*)	"of this Act"	....
	19	..	"of this Act" (the first time the words occur).	....
	20 and 24	..	"of either description within the meaning of the Indian Penal Code" (in each place in which the words occur).	....
	23	(*b*)	"of this Act"	....
V of 1879 ..	3	2	"of this Act"	....
	10, 13, 18, 38, 86, 87, 161 and 216	..	"of this Act" (each time the words occur).	....
	23	..	"to this Act"	....
[1]VI of 1879 ..	21 and 34	..	"of this Act"	....
[1]VII of 1879 ..	3	5	"means the head revenue officer of a district and".	....
	57	..	"of this Act"	....
	61 and 62	..	"of either description within the meaning of the said Code" (in each place in which these words occur).	....
	67	..	"of the division"	....
[1]I of 1880 ..	3	7	"hereto annexed	....
	33	(*b*)	"hereto annexed"	....
[1]I of 1883 ..	3, 5 and 8	..	"of this Act" (each time the words occur).	....
	3	..	"annexed to this Act" ..	....
[1]II of 1883 ..	In the preamble	..	"to this Act"	....
	4	..	"to this Act"	....
	17	..	"of this Act" (the first time the words occur).	....
[2]* * *	*	*	* * * * *	*

[1] The entries relating to sections 2, 214 and 215 of this Act are omitted as these sections have been repealed or substituted by Bom. 4 of 1913.

[2] The entry relating to Bom. I of 1884 is omitted as that Act has been repealed by Bom. 6 of 1933.

THE BOMBAY COURT OF WARDS ACT, 1905.

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BOMBAY ACT No. I OF 1905.[1]

[THE BOMBAY COURT OF WARDS ACT, 1905.]

[*3rd June 1905.*]

Amended by Bom. 1 of 1910;
,, ,, ,, 2 of 1913;
,, ,, ,, 7 of 1934.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 17 of 1945*;
,, ,, ,, 21 of 1949.

An Act to establish a Court of Wards in the Bombay Presidency.

WHEREAS it is expedient to establish a Court of Wards in the Bombay Presidency; Preamble.

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [2]Indian Councils Act, 1892, has been obtained for the passing of this Act;

It is hereby enacted as follows:—

1. (*1*) This Act may be called the Bombay Court of Wards Act, 1905. Short title.

(*2*) It shall extend to the whole of the Bombay Presidency, except [3][the Greater Bombay] [4]* * *. Extent.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(*a*) "Government ward" shall mean any person of whose property, or of whose person and property, the Court of Wards may, for the time being, have the superintendence under this Act;

(*b*) "land-holder" shall mean,

(*i*) in the case of minors and persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs, a holder as defined in the Bombay Land Revenue Code, 1879; and

Bom. V of 1879.

[5][(*ii*) in all other cases, a zamindar, jagirdar, saranjamdar, inamdar, talukdar, malek and a khot, and any person not hereinbefore specified who is interested in land and whom the [6][Provincial Government] has declared on account of the extent and value of his interests to be a land-holder for the purposes of this Act]:

provided that no person who permanently resides, or carries on business, or personally works for gain in [3][the Greater Bombay] shall be deemed or declared to be a land-holder for the purposes of this Act;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1904, Pt. VII, p. 83: for Report of Select Committee, *see ibid.*, 1905, Pt. VII, p. 14, and for Proceedings in Council, *see ibid.*, 1904, Pt. VII, pp. 144, 208; *ibid.*, 1905, Pt. VII p. 42.

[2] *See* now the Government of India Act, 1935.

[3] These words were substituted for the words "the City of Bombay" by Bom. 17 of 1945 s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[4] The words "and Aden" were omitted by the Adaptation of Indian Laws Order in Council.

[5] The paragraph was substituted by s. 2(*a*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

*This Act has been re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

[1][(*bb*) "pension-holder" shall mean a person lawfully entitled to the whole or a part of a pension or cash-allowance granted or continued by Government on political considerations or of a hereditary pension or cash-allowance ;]

(*c*) "District Court" shall include the Court of an Assistant Judge invested, under section 19 of the [2]Bombay Civil Courts Act, 1869, with all the powers of a District Judge ; and XIV of 1869.

(*d*) "minor" shall mean a person who, under the provisions of the [3]Indian Majority Act, 1875, is to be deemed not to have attained his majority. IX of 1875.

Commissioner to be Court of Wards.

3. Subject to the provisions of section 12, the Commissioner shall be the Court of Wards for the limits of his division :

Provided that the [4][Provincial Government] may, if [5][it] thinks fit, by notification in the [6][*Official Gazette*],

(*a*) appoint a special officer to be the Court of Wards for a division in lieu of the Commissioner ; or

(*b*) constitute a Board consisting of the Commissioner and any other officer or officers to be the Court of Wards for a division ; or

(*c*) appoint any other officer or officers to be a Court of Wards for any part of the Bombay Presidency, and direct that such part shall thereupon be excluded from the jurisdiction of the Court of Wards of any division in which it lies wholly or partly.

Assumption of superintendence by Court of Wards of property of disqualified land-holder or pension-holder.

4. (*1*) The Court of Wards may, with the previous sanction of the [4][Provincial Government], assume the superintendence of the property of any land-holder holding land [7][or of any pension-holder receiving a pension] within the local limits of its jurisdiction who is disqualified to manage his own property :

Provided that in the case of a land-holder [8][or pension-holder] disqualified under clause (*b*) or (*c*) of sub-section (*1*) of section 5 such assumption shall be sanctioned only where the [4][Provincial Government] is of opinion that it is expedient in the public interests to preserve the property of such land-holder [8][or pension-holder] for the benefit of his family, and that the said property is of such value that economical management by the Court of Wards is practicable.

(*2*) No sanction given under sub-section (*1*) shall be called in question in any Court, except in the case of a land-holder [8][or pension-holder] disqualified under section 5, sub-section (*1*), clause (*a*), where proceedings are instituted within three months of the giving of the sanction.

Land-holders or pension-holders to be deemed disqualified in certain cases.

5. (*1*) The following land-holders [9][or pension-holders] shall, for the purposes of section 4, be deemed to be disqualified to manage their own property, namely :—

(*a*) minors ;

---

[1] This clause was inserted by s. 2 (*b*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

[2] *See Supra.*

[3] Central Acts.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[5] The word "it" was substituted for the word "he", *ibid.*

[6] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[7] These words were inserted by s. 3 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

[8] These words were inserted, *ibid*, s. 4 (*1*).

[9] These words were inserted, *ibid*, s. 4 (*2*).

(*b*) females declared by the District Court, on the application of the Collector and after such judicial inquiry as it thinks necessary, to be unfitted to manage their own property ;

(*c*) persons declared by the District Court, on the like application and after the like inquiry, to be incapable of managing, or unfitted to manage, their own property owing to

(*i*) any physical or mental defect or infirmity, or

(*ii*) such habits as cause, or are likely to cause, injury to their property or to the well-being of their inferior holders ; and

(*d*) persons adjudged by a competent Civil Court to be of unsound mind and incapable of managing their affairs.

(*2*) No appeal shall lie from any declaration under clause (*b*) or (*c*) of sub-section (*1*).

Assumption of superintendence where servant of the Crown appointed guardian.

6. Where any [1][servant of the Crown] is appointed or declared to be guardian of the property, or of the person and property, of a minor under section 7, sub-section (*1*), of the [2]Guardians and Wards Act, 1890, he shall intimate the fact to the Court of Wards, and the Court of Wards may thereupon, with the previous sanction of the [3][Provincial Government], assume the superintendence of the property, or of the person and property, of such minor.

VIII of 1890.

Superintendence not to be assumed where guardian appointed except with consent of District Court.

7. The Court of Wards shall not assume the superintendence of the property, or of the person and property, of any minor of whose property, or of whose person and property,

(*a*) a guardian has been appointed by will or other instrument, or

(*b*) a guardian other than [4][a servant of the Crown] has been appointed or declared under section 7, sub-section (*1*), of the [2]Guardians and Wards Act, 1890,

VIII of 1890.

except with the previous consent of the District Court.

Superintendence not to be assumed under section 4 in case of undivided Hindu family unless all co-sharers disqualified ; but may be assumed in other cases.

8. (*1*) The Court of Wards shall not assume under section 4, sub-section (*1*), the superintendence of the property of any family which is undivided according to Hindu law, except where all the co-sharers are disqualified under sub-section (*1*) of section 5 [5][or where all the co-sharers other than those who are disqualified under sub-section (*1*) of section 5 agree to the Court of Wards assuming such superintendence].

(*2*) Where two or more land-holders [6][or pension-holders] are co-sharers otherwise than as co-sharers in a family which is undivided according to Hindu law and one of such co-sharers is disqualified under sub-section (*1*) of section 5, the Court of Wards [7][may assume the superintendence of the undivided share of such

[1] The words "servant of the Crown" were substituted for the words "officer of Government" by the Adaptation of Indian Laws Order in Council.

[2] Central Acts.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "a servant of the Crown" were substituted for the words "an Officer of Government", *ibid.*

[5] These words were inserted by s. 5 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

[6] These words were inserted, *ibid.*, s. 4(*2*).

[7] These words were inserted by s. 2 and Sch. I, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

disqualified land-holder [1][or pension-holder] or] may obtain partition on behalf of the disqualified land-holder [1][or pension-holder] by suit or otherwise, and assume the superintendence of the property allotted to such land-holder [1][or pension-holder] in the partition.

Assumption of superintendence by Court of Wards on application of land-holder or pension-holder.

9. (*1*) Any land-holder [1][or pension-holder] may apply in writing to the [2][Provincial Government] to have his property placed under the superintendenc of the Court of Wards, and the [2][Provincial Government] may on such application, where [3][it] is of opinion that it is expedient in the public interests to preserve the property of such land-holder [1][or pension-holder] for the benefit of his family and that the said property is of such value that economical management by the Court of Wards is practicable, order the Court of Wards to assume the superintendence of the property.

[4][(*1A*) Any co-sharer of property, other than a co-sharer in a family undivided according to Hindu law, may make an application under sub-section (*1*) in respect of his own share in such property.]

(*2*) [5][In every case where property is held by co-sharers, whether as co-sharers in a family undivided according to Hindu law or otherwise] an application signed by co-sharers holding an aggregate interest of not less than three-fourths of the whole property shall, for the purposes of sub-section (*1*), be deemed to be an application by a land-holder [1][or pension-holder] in respect of [6][the whole property] :

Provided, *firstly*, that no order shall be made [7][on any such application] under sub-section (*1*) where it appears to the [2][Provincial Government] doubtful whether the aggregate interest of the co-sharers signing [8][the] application amounts to not less than three-fourths of the whole property ; and

Provided, *secondly*, that nothing in this Act shall be deemed to prevent any co-sharer other than those signing any such application from obtaining partition of his share, whether by suit or otherwise.

(*3*) An order made under sub-section (*1*) shall be sufficient to authorize the Court of Wards to assume the superintendence of the property referred to therein, and no such order shall be called in question in any Court.

Provisions for temporary custody of heirs and protection of property in certain cases.

10. (*1*) Whenever the Collector receives information that any land-holder [1][or pension-holder] is, or should be, disqualified under sub-section (*1*) of section 5, or that any land-holder [1][or pension-holder] has died and that his heir is, or should be, so disqualified, he may apply to District Court and the District Court may authorise the Court of Wards to

(*a*) take such steps and make such order for the temporary custody and protection of the property as the Court of Wards thinks fit ; and

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[1] These words were inserted by s. 4 (*1*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

[2] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

[3] The word " it " was substituted for the word " he ", *ibid.*

[4] This sub-section was inserted by s. 2 and Sch. I, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[5] These words were substituted for the words " Where property is held by co-sharers in undivided shares ", *ibid.*

[6] These words were substituted for the words " such property ", *ibid.*

[7] These words were inserted, *ibid.*

[8] This word was substituted for the words " any such ", *ibid.*

(*b*) where the land-holder [1][or pension-holder] or heir is a minor, direct that the person (if any) having the custody of the minor shall produce him or cause him to be produced at such place and time and before such person as the Court of Wards may appoint, and make such order for the temporary custody and protection of the minor as the Court of Wards thinks fit:

Provided that, where the minor is a female and belongs to a class the females of which do not usually appear in public, her production shall be required only in accordance with the manners and customs of the country.

(*2*) Whenever the Court of Wards is authorized to proceed under sub-section (*1*) it shall forthwith report its action for the information of the [2][Provincial Government].

(*3*) No appeal shall lie from any order of authorization under sub-section (*1*), except in the case of a land-holder [1][or pension-holder] disqualified under section 5, sub-section (*1*), clause (*a*).

Assumption of superintendence by Court of Wards of person of disqualified land-holder or pension-holder in certain cases.

11. Where the Court of Wards assumes the superintendence of the property of any land-holder [1][or pension-holder] disqualified under clause (*a*) or (*d*) of section 5, sub-section (*1*), it may, with the previous sanction of the [2][Provincial Government], assume the superintendence of his person also:

Provided that nothing in this section shall authorize the Court of Wards to assume the superintendence of the person of a female who is married and is in the custody of her husband.

Assumption of superintendence by Court of Wards where land-holder or pension-holder holds land in more than one jurisdiction.

12. Where a disqualified land-holder [1][or pension-holder] or a land-holder [1][or pension-holder] who has been made a Government ward in pursuance of an order under section 9, sub-section (*1*), holds land [3][or receives a pension] within the territorial jurisdiction of two or more Courts of Wards such one only of the Courts of Wards as the [2][Provincial Government] may determine in this behalf shall assume the superintendence of the property, or of the person and property, of the land-holder [1][or pension-holder].

Assumption of superintendence to be notified and to extend to whole of Government ward's property.

13. (*1*) Whenever the Court of Wards assumes the superintendence of the property of any land-holder [1][or pension-holder] under this Act, the fact of such assumption, and the date on which it was sanctioned by the [2][Provincial Government], shall be notified in the [4][*Official Gazette*] and in such other manner as the [2][Provincial Government] may, by general or special order, direct.

(*2*) On and with effect from the date of such sanction, the whole of the property, moveable and immovable, of such land-holder [1][or pension-holder], whether the existence of any such property is known to the Court of Wards or not, shall be deemed to be under the superintendence of the Court of Wards.

(*3*) Any property which the Government ward may inherit or acquire by succession subsequently to the date of such sanction shall also be deemed to be under the superintendence of the Court of Wards.

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[1] These words were inserted by s. 4 (*1*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] These words were inserted by s. 4 (*3*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

(*4*) The Court of Wards may, in its discretion, assume, or refrain from assuming, the superintendence of any property which the Government ward may acquire otherwise than by inheritance or succession subsequently to the date of such notification.

Publication of notice to claimants against Government ward.

14. (*1*) On the issue of a notification under section 13, sub-section (*1*), the Court of Wards shall publish in the [1][*Official Gazette*], and in such other manner as the [2][Provincial Government] may, by general or special order, direct, a notice, in English and also in the vernacular, calling upon all persons having claims against the Government ward or his property to submit the same in writing to it within six months from the date of the publication of the notice.

(*2*) Where the Court of Wards is satisfied that any claimant was unable to comply with the notice published under sub-section (*1*), it may allow his claim to be submitted at any time after the date of the expiry of the period fixed therein; but any such claim shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the date of the expiry of such period until submission.

(*3*) Every claim against the Government ward or his property (other than a claim [3][on the part of the Crown]) not submitted to the Court of Wards in compliance with the notice published under sub-section (*1*), or allowed to be submitted under sub-section (*2*), shall, save in the cases provided for by section 18, sub-section (*2*), clause (*c*), and by sections 7 and 13 of the [4]Indian Limitation Act, 1877, be deemed for all purposes and on all occasions, whether during the continuance of the superintendence or afterwards, to have been duly discharged, unless, in any suit or proceeding instituted by the claimant, or by any person claiming under him, in respect of any such claim, it is proved to the satisfaction of the Court that he was unable to comply with the notice published under sub-section (*1*).

Power to require claimants to furnish full particulars and documents.

15. (*1*) The Court of Wards may by written order require that any claimant submitting his claim shall, within such reasonable time as it may prescribe in such order, furnish full particulars thereof, and produce all documents (including entries in books of account) on which he relies to support his claim, together with a true copy of every such document:

Provided that, where the claim relates to an amount secured by a decree or award, it shall be sufficient for the claimant to produce before the Court of Wards, a certified copy of the decree and a certificate from the Court which passed or is executing the same declaring the amount recoverable thereunder, or a true copy of the award and statement of the sum recoverable thereunder, as the case may be; and where the claim is pending adjudication in any Court or has been referred to arbitration, it shall be sufficient for the claimant to produce a certified copy of the plaint, or a true copy of the reference to arbitration, as the case may be.

(*2*) The Court of Wards shall, after marking, for the purpose of identification, every original document so produced and verifying the correctness of the copy, retain the copy and return the original to the claimant.

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[1] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[2] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[3] The words "on the part of the Crown" were substituted for the words "on the part of Government", *ibid.*

[4] *See* now the Indian Limitation Act, 1908 (9 of 1908), Central Acts.

(*3*) Where any document, which is in the possession or under the control of a claimant, is not produced by him in accordance with an order under sub-section (*1*), the document shall not be admissible in evidence against the Government ward, whether during the continuance of the superintendence or afterwards, in any suit brought by such claimant, or by any person claiming under him, in respect of any claim to which such document relates, unless it is proved to the satisfaction of the Court that he was unable to produce such document as required by such order.

Investigation and decision of claims.

16. (*1*) On receipt of all claims submitted in compliance with the provisions of sections 14 and 15, the Court of Wards shall proceed to investigate such claims and shall decide, subject to the provisions of sub-section (*3*), which of them are to be wholly or partly admitted or wholly or partly rejected, as the case may be, and shall communicate its decision in writing to each claimant concerned.

(*2*) Where the Court of Wards has admitted any claim under sub-section (*1*), it may make to the claimant a proposal in writing for the reduction of the claim, or of the rate of interest to be paid in future, or of both; and if such proposal, or any modification of it, is accepted by the claimant, and his acceptance is finally recorded and attested by the Court of Wards or by any Revenue-officer not below the rank of an Assistant or Deputy Collector whom the [1][Provincial Government] may, by general or special order, appoint in this behalf, it shall be conclusively binding upon the claimant:

Provided that if, when the superintendence of the property by the Court of Wards is withdrawn, any portion of the claim reduced as aforesaid is still unsatisfied, the claimant shall be entitled to recover a sum bearing the same proportion to the original claim admitted under sub-section (*1*) as the unsatisfied portion bears to the reduced claim.

(*3*) Subject to the provisions of sub-section (*2*), nothing in this section shall be construed to bar the institution of a suit in a Civil Court for the recovery of a claim against a Government ward or his property which has been duly submitted to the Court of Wards:

Provided that no decision of the Court of Wards under this section shall be proved in any such suit as against the defendant.

Execution of decrees to be stayed till certificate filed.

17. (*1*) On the publication of a notice under section 14, sub-section (*1*), no proceeding in execution of any decree against the Government ward or his property shall be instituted or continued until the decree-holder files a certificate from the Court of Wards that the decree-claim has been duly submitted, or until the expiration of one month from the date of receipt by the Court of Wards of a written application for such certificate, accompanied by a certified copy of a decree.

(*2*) Any person holding a decree against the Government ward or his property shall be entitled to receive from the Court of Wards, free of cost, the certificate required by sub-section (*1*).

(*3*) In computing the period of limitation prescribed by the [2]Indian Limitation Act, 1877, or by section 230 of the [3]Code of Civil Procedure, for any application for the execution of a decree, proceedings in which have been stayed or temporarily

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] *See* now the Indian Limitation Act, 1908 (9 of 1908), Central Acts.

[3] *See* now the Code of Civil Procedure, 1908 (5 of 1908), Central Acts.

barred by reason of the claim not having been duly submitted, the time from the date of the notice published under section 14, sub-section (*1*) or of the decree if it was passed subsequently to the publication of the notice, to the date of due submission shall be excluded.

Report to Provincial Government.

18. (*1*) When all claims have been investigated under section 16, the Court of Wards shall submit to the [1][Provincial Government] a schedule of the debts and liabilities of the Government ward, and the [1][Provincial Government] may, where the property appears to be involved beyond all hope of extrication, or for any other sufficient reason, by order published in the [2][*Official Gazette*], direct that, on a date to be fixed by the order, the superintendence of the property, or of the person and property, of the Government ward by the Court of Wards shall be withdrawn.

(*2*) On the date so fixed

(*a*) the superintendence shall terminate ;

(*b*) the owner of the property under superintendence shall be restored to the possession thereof, subject to any contracts entered into by the Court of Wards for the preservation or benefit of such property ; and

(*c*) the claims referred to in section 14, sub-section (*3*), shall revive.

(*3*) In calculating the periods of limitation applicable to suits to recover and enforce claims revived under sub-section (*2*), clause (*c*), the time during which such superintendence has continued shall be excluded.

Delegation of powers by Court of Wards.

19. (*1*) With the general or special sanction of the [1][Provincial Government], the Court of Wards may, from time to time, delegate all or any of its powers to the Collector of any district in which any part of the property of a Government ward is situated, or to any other officer not below the rank of an Assistant or Deputy Collector whom it may appoint in this behalf, and may, at any time, with the like sanction, revoke such delegation.

(*2*) Subject to any general or special orders of the [1][Provincial Government], the Court of Wards may exercise all or any of the powers conferred on it by this Act through the Collector of any district in which any part of the property of a Government ward is situated, or through any other officer not below the rank of an Assistant or Deputy Collector whom it may appoint in this behalf, and, subject to the like orders, any such Collector or Assistant or Deputy Collector may exercise all or any of the powers delegated to him under this Act through any Revenue-officer subordinate to him not below the rank of a Mahalkari.

Appointment of manager by Court of Wards.

20. The Court of Wards may appoint a manager of the property of any Government ward under its superintendence.

Liabilities, etc., of managers appointed by Court of Wards.

21. (*1*) Every manager appointed by the Court of Wards shall—

(*a*) give such security, with such sureties (if any), as the Court of Wards thinks fit for the due discharge of the trusts of his office, and for the due account of all property and moneys which come into his control or possession by reason of his office ;

(*b*) entitled to such allowance as the Court of wards thinks fit for his care and pains in the execution of his duties ; and

[1] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

[2] The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* ", *ibid.*

(*c*) be responsible for any loss occasioned to the property under his management by his wilful default or gross negligence; and every such loss shall be recoverable from him and from his sureties (if any) as an arrear of land-revenue.

XLV of 1860.

(*2*) Every manager or other servant of the Court of Wards shall be deemed to be a "public servant" within the meaning of Chapter IX of the [1]Indian Penal Code; and, in the definition of "legal remuneration" contained in section 161 of the said Code, the word "Government" shall, for the purposes of this sub-section, be deemed to include the Court of Wards. Managers and other servants to be deemed public servants.

22. (*1*) The Court of Wards may appoint guardians for the care of the persons of Government wards whose persons are, for the time being, under its superintendence. Power of Court of Wards to appoint guardians of certain Government wards.

VIII of 1890.

(2) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the [1]Guardians and Wards Act, 1890.

23. Subject to the provisions of this Act and of any rules thereunder, the Court of Wards General powers of Court of Wards.

(*a*) may, of itself or through the manager (if any) appointed by it under this Act, do all such things requisite for the proper care and management of any property of which it assumes the superintendence under this Act, as the owner of the property, if it was not under the superintendence of the Court of Wards, might do for its proper care and management; and

(*b*) may, of itself or through the guardian (if any) appointed by it under this Act, do, in respect of the person of any Government ward whose person is, for the time being, under its superintendence, all such things as may lawfully be done by a guardian.

24. The Court of Wards may pass such orders as it thinks fit in respect of the custody and residence of any Government ward whose person is, for the time being, under its superintendence, and, where he is a minor, in respect of his education. Custody, residence and education of certain Government wards.

25. The Court of Wards may, from time to time, determine what sums shall be allowed in respect of the expenses of any Government ward and of his family and dependents. Allowance for Government ward, his family and dependents.

26. The Court of Wards, or the manager (if any) appointed by it under this Act, shall manage the property of every Government ward under its superintendence or under his management diligently and faithfully for the benefit of the Government ward, and shall in every respect act to the best of its or his judgment for the Government ward's interest as if the property were its or his own. Duties of Court of Wards or manager.

[2][**27.** The Court of Wards may sell, exchange, mortgage, charge or let the property of a Government ward, and may do all such things as it may judge to Power of Court of Wards as to property of Government wards

[1] Central Acts.

[2] This section was substituted by s. 6 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

be best for the benefit of the property and the advantage of the Government ward: Provided that—

(*a*) the previous sanction of the [1][Provincial Government] shall be required to any sale, exchange or mortgage of, or charge on, immovable property and to any lease of such property for a term exceeding ten years, and

(*b*) where [2][one-third] of the immovable property of a Government ward has been sold or exchanged no further sale or exchange shall be made.]

Power of Court of Wards to evict.

28. The Court of Wards may summarily evict in the manner specified in section 202 of the Bombay Land Revenue Code, 1879, any person occupying, or in possession of, any immovable property under its superintendence, to the use and occupation of which he has ceased to be entitled under any of the provisions of that Code, or which he uses or occupies in contravention of any of the provisions of this Act. Bom. V of 1879.

Recovery of arrears of rent as arrears of land-revenue.

[3][**29.** For the purpose of the recovery of rents, profits and other sums due in respect of property under the superintendence of the Court of Wards (whether such arrears become due before or after the assumption of such superintendence) the Court of Wards shall have all the powers possessed by a Collector under the law for the time being in force for the recovery of land-revenue due to Government, including the power conferred by section 176 of the Bombay Land Revenue Code, 1879.] Bom. V of 1879.

Property under superintendence not liable to sale for arrears.

30. No immovable property under the superintendence of the Court of Wards shall be liable to sale on account of arrears of land-revenue:

Provided that all such arrears of land-revenue shall be the first charge upon the sale-proceeds of any such property which may be sold for any other cause than for arrears of land-revenue.

Power of Court of Wards to direct any property of Government ward to be exempt from process of Civil Court.

[4][**30A.** (*1*) Whenever it shall appear to the Court of Wards that by virtue of or in execution of a decree or order of a Civil Court, the property of a Government ward under its superintendence is or is likely to be insufficient for the payment of the expenses—

(*a*) of the management of the property of the said ward under this Act, or

(*b*) of the said ward, his family and dependents, allowed under section 25,

the Court of Wards may issue a certificate in writing to the Civil Court executing the said decree or order directing that the said property shall for such period as the Court of Wards may from time to time deem expedient, be exempt from any attachment, sale, transfer or other process by a Civil Court.

(*2*) Upon the receipt of such certificate the Civil Court executing the decree or order against the Government ward shall, notwithstanding anything contained in section 17 or any other law for the time being in force, remove any attachment or other process pending against the property specified in the certificate and shall set aside any order of sale or transfer of the said property and thereupon the said property shall be exempt from any attachment, sale, transfer or

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This word was substituted for the word "one-fourth" by Bom. 21 of 1949, s. 2.

[3] This section was substituted by s. 7 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

[4] Section 30A was inserted by Bom. 7 of 1934, s. 2.

other process by a Civil Court for the period specified in the said certificate and during the said period the execution of such decree or order shall so far as it affects the said property for the purposes of secton 15 of the Indian Limitation Act, 1908, be deemed to have been stayed :

IX of 1908.

Provided that if the superintendence of the Court of Wards of the property of the said Government ward terminates under section 18 or is withdrawn under section 40, the exemption granted under this section shall with effect from the date of such termination or withdrawal cease to be in operation.]

Notice of suit.

31. No suit relating to the person or property of any Government ward shall be brought in any Civil Court until the expiration of two months after notice in writing stating the name and place of abode of the intending plaintiff, the cause of action and the relief claimed, has been delivered to, or left at the office of, the Court of Wards ; and the plaint shall contain a statement that such notice has been so delivered or left :

Provided that notice under this section shall not be required in the case of any suit the period of limitation for which will expire within three months from the date of a notification issued under section 13, sub-section (*1*).

Manager or Court of Wards to be next friend or guardian in suit by or against Government wards.

32. Subject to the provisions of the second paragraph of section 440 of the [1]Code of Civil Procedure, in every suit brought by or against a Government ward, the manager of the Government ward's property, or, where there is no manager, the Court of Wards having the superintendence of the Government ward's property, shall be named as the next friend or guardian for the suit, as the case may be.

Payment of costs.

33. Where, in any suit brought by or against a Government ward any Civil Court decrees any costs against the Government ward's next friend or guardian for the suit, the Court of Wards shall cause the costs to be paid out of any property of the Government ward which may, for the time being, be in its hands.

Processes against Government ward to be served on next friend or guardian.

34. Every process which may be issued out of any Civil or Revenue Court against any Government ward shall be served on the Government ward's next friend or guardian for the suit.

Authority of Court of Wards required in case of suits brought on behalf of Government wards.

35. No suit shall be brought, and no appeal in any suit shall be preferred, by any guardian or manager appointed by the Court of Wards on behalf of any Government ward unless it is authorized by an order in writing of the Court of Wards :

Provided that a manager may authorize a plaint or a memorandum of appeal to be filed in order to prevent a suit or appeal from being barred by the law of limitation, but the suit or appeal shall not afterwards be proceeded with except with the sanction of the Court of Wards.

Adjudication of civil disputes between two or more Government wards.

36. (*1*) Where any question arises as between two or more Government wards of such a nature that an adjudication upon it by a Civil Court is expedient, it shall be lawful for the Court of Wards, acting through the Collector of the district in which a case might have been stated for the opinion of the Civil Court with regard

[1] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908).

to such matter under section 527 of the [1]Code of Civil Procedure, to file in the Civil Court having jursidiction a statement containing the point or points for determination.

(*2*) When such statement has been filed, the Court shall appoint a guardian for the suit for each ward having a separate interest, and such guardians shall thereupon conduct the case subject to the general control of the Court of Wards.

(*3*) The Court may, if it thinks fit, amend the case so stated and shall then proceed to hear and dispose of the case in the manner provided in Chapter XXXVIII of the [1]Code of Civil Procedure for the hearing and disposal of cases stated for opinion under that Chapter.

Disabilities of a Government ward.

37. (*1*) Except with the approval of the Court of Wards, a Government ward shall be incompetent to transfer or create any charge on, or interest in, his property or any part thereof (except such interest as may be created by a will made in accordance with section 38), or to enter into any contract which may involve him in pecuniary liability; and no suit shall be brought in any Civil Court whereby to charge any person upon any promise made after he has ceased to be a Government ward to pay any debt contracted during the period when he was a Government ward, or upon any ratification made after he has ceased to be a Government ward of any promise or contract made during the period aforesaid, whether there is or is not any new consideration for such promise or ratification.

(*2*) Nothing in this section shall be deemed to affect the capacity of a Government ward to enter into a contract of marriage:

Provided that a Government ward shall not incur, in connection with such a contract, any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the Court of Wards may, in writing, declare to be reasonable.

Consent of Provincial Government necessary to wills made by Government wards.

38. No will made by a Government ward shall be valid without the consent of the [2][Provincial Government] obtained, either previously or subsequently to the making of the will, on application made to [3][it] through the Court of Wards:

Provided that consent shall not be withheld unless it appears to the [2][Provincial Government] that the will is contrary to the personal or special law applicable to the ward, or that it is likely to cause considerable pecuniary embarrassment to the property, or to lower considerably the influence or respectability of the family in public estimation.

Procedure when succession to Government ward's property is disputed.

39. Where on the death of any Government ward, the succession to his property or any part thereof is disputed the Court of Wards may, with the sanction of the [2][Provincial Government], either retain the superintendence of the property until one of the claimants has established his claim to the same in a competent Civil Court, or institute a suit of interpleader against all the claimants.

Withdrawal of superintendence of Court of Wards.

40. (*1*) Where superintendence has been assumed in pursuance of an order under section 9, sub-section (*1*), the Court of Wards shall withdraw such superintendence as soon as, in the opinion of the [2][Provincial Government], the property is free from embarrassment.

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[1] *See* now the Code of Civil Procedure, 1908 (Act 5 of 1908).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The word "it" was substituted for the word "him", *ibid.*

(*2*) The Court of Wards may, with the sanction of the [1][Provincial Government], at any time withdraw its superintendence from the person or property, or both, of a Government ward, and shall withdraw its superintendence as soon as, in the opinion of the District Court, certified to the Court of Wards,

(*a*) in the case of a person disqualified under clause (*a*) of sub-section (*1*) of section 5, he attains or has attained his majority;

(*b*) in the case of a female disqualified under clause (*b*) of the same sub-section, she is fit to manage her own property;

(*c*) in the case of a person disqualified under clause (*c*) of the same sub-section, he is fit to manage his own property;

(*d*) in the case of a person disqualified under clause (*d*) of the same sub-section, he ceases to be of unsound mind and incapable of managing his affairs; and

(*e*) where it was assumed under section 4, sub-section (*1*), in the case of a family which was undivided according to Hindu law, any co-sharer ceases to be disqualified under sub-section (*1*) of section 5:

Provided, *firstly*, that

(*i*) where a Government ward dies or ceases to be disqualified and his property is still encumbered with debts and liabilities, the Court of Wards may, with the sanction of the [1][Provincial Government] retain the said property under its superintendence until such debts and liabilities have been discharged; and

(*ii*) in the case of land-holders [2][or pension-holders], [3][who are co-sharers in a family which is undivided according to Hindu law] where one or more of the proprietors of a property remain disqualified although another or others have ceased to be disqualified, the Court of Wards may, with the sanction of the [1][Provincial Government], retain the whole of the property under its superintendence, paying any proprietor who has ceased to be disqualified [4][from surplus income such portion as shall be proportionate to his interest in the estate]:

Provided, *secondly*, that, where the Court of Wards withdraws its superintendence, such withdrawal shall not affect any contract entered into by the Court of Wards in the lawful exercise of its powers; and

Provided, *thirdly*, that

(*a*) no person who has once been declared disqualified under clause (*b*) or (*c*) of sub-section (*1*) of section 5, and

(*b*) except in the case of any co-sharer other than those signing an application described in section 9, sub-section (*2*), no land-holder [5][or pension-holder] who has been made a Government ward in pursuance of an order under section 9, sub-section (*1*),

shall be competent, on the withdrawal of such superintendence, to transfer or create any charge on or interest in his property or any part thereof for a period beyond the term of his natural life, except with the previous sanction of the Collector.

(*3*) No appeal shall lie from any opinion certified under sub-section (*2*).

Appointment of guardian in certain cases.

41. (*1*) Where, in exercise of the power conferred by section 40, the Court of Wards decides to withdraw its superintendence from the person or property, or

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were inserted by s. 4 (*2*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

[3] These words were substituted for the words, figures and brackets "referred to in section 8, sub-section (*2*)" by s. 2 and Sch. I, Part II, of the Bombay Repealing and Amending Act, 1910 (Bom. 1 of 1910).

[4] These words were substituted for the words "the surplus income accruing from his share of the estate", *ibid.*

[5] These words were inserted by s. 4(*1*) of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

both, of any minor, it shall, before such withdrawal, by an order in writing, appoint some person to be guardian of the person or property, or both, of the minor, and such appointment shall take effect from the date of such withdrawal.

(*2*) In appointing a guardian under this section, the Court of Wards shall be guided by the provisions of the [1]Guardians and Wards Act, 1890; and every guardian so appointed shall have, and be subject to, the same rights, duties and liabilities as if he had been appointed under that Act. VIII of 1890.

Withdrawal to be notified in *Official Gazette*.

42. Where the Court of Wards withdraws its superintendence from any person or property under this Act, the fact of such withdrawal shall be notified in the [2][*Official Gazette*] and in such other manner as the [3][Provincial Government] may, by general or special order, direct.

Appeals

43. (*1*) An appeal shall lie from every order, other than an order of the District Court, passed under this Act, whether original or on appeal,

(*a*) where the order is that of a Commissioner, or of any special or other officer appointed, or Board constituted, under the proviso to section 3, to the [3][Provincial Government];

(*b*) where the order is that of a Collector, to the Commissioner, or where any such officer or Board has jurisdiction, to such officer or Board; and

(*c*) in all other cases, to the Collector:

[4][Provided that where any such officer or Board has been appointed to be Court of Wards and the order has been passed by any officer subordinate to such Court of Wards for the purposes of this Act, the [3][Provincial Government] may direct that appeals shall lie to such officer or Board.]

(*2*) The provisions of sections 205 to 210, both inclusive, of the [5]Bombay Land Revenue Code, 1879, shall apply to all such appeals. Bom. V of 1879.

Control of Provincial Government.

44. All orders or proceedings under this Act, other than orders or proceedings of the District Court, shall be subject to the supervision and control of the [3][Provincial Government]; and the [3][Provincial Government] may, if [6][it] thinks fit, revise, modify or reverse any such order or proceeding, whether an appeal is presented against any such order or proceeding or not.

Power to compel attendance of witnesses.

[7][**44A.** For the purposes of this Act, the Court of Wards may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908.]

Bar of suits.

45. No suit shall be brought in any Civil Court in respect of the exercise of any discretion conferred by this Act, or against the Court of Wards or any public servant or person duly appointed or authorized under this Act in respect of anything in

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[1] Central Acts.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[3] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid*.

[4] This proviso was added by s. 8 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

[5] *See supra*.

[6] The word "it" was substituted for the word "he" by the Adaptation of Indian Laws Order in Council.

[7] This section was inserted by s. 9 of the Bombay Court of Wards (Amendment) Act, 1913 (Bom. 2 of 1913).

good faith done or purporting to be done under the provisions thereof or the rules made thereunder :

Provided, *firstly*, that any person evicted under section 28 may sue for restitution ; and

Provided, *secondly*, that any tenant from whom an arrear of rent has been recovered under section 29 may sue for recovery of the amount, or any part thereof, so recovered.

Power of Provincial Government to make rules.

46. (*1*) The [1][Provincial Government] may, by notification published in the [2][*Official Gazette*], make rules to carry out the purposes and objects of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may

(*a*) prescribe the matters to which regard should be had in appointing or removing guardians and managers, and in fixing their remuneration ;

(*b*) regulate the form, conditions and amount of security, and the number of sureties (if any), to be given by managers ;

(*c*) prescribe the cases in which proposals or arrangements connected with the administration of the properties of Government wards shall be reported for the sanction of the [1][Provincial Government] ;

(*d*) prescribe the accounts and other returns, and the form and other particulars thereof, which shall be rendered to the Court of Wards and by the Court of Wards to the [1][Provincial Government] ;

(*e*) regulate the custody of securities and title-deeds belonging to the estate or property of a Government ward ;

(*f*) regulate the procedure in inquiries by, and in appeals from orders of the Court of Wards ;

(*g*) prescribe the mode in which powers delegated to managers are to be notified for the information of persons concerned ;

(*h*) prescribe the mode in which any expenses incurred by the Court of Wards or the Collector under any power conferred by this Act may be recovered ; and

(*i*) generally prescribe the manner in which the powers and duties of the Court of Wards under this Act shall be exercised and performed.

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[1] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation of Indian Laws Order in Council.

[2] The words " *Official Gazette* " were substituted for the words " *Bombay Government Gazette* ", *ibid.*

THE MAMLATDARS' COURTS ACT, 1906.

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SCHEDULE B.

SCHEDULE C.

BOMBAY ACT No. II OF 1906.[1]

[THE MAMLATDARS' COURTS ACT, 1906.]

[*29th October 1906.*]

Amended by Bom. 7 of 1926 (when notified).
" " " 11 of 1928.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
*Amended by Bom. 24 of 1942.

An Act to consolidate and amend the law relating to the powers and procedure of Mamlatdars' Courts.

WHEREAS it is expedient to consolidate and amend the law relating to the powers and procedure of Mamlatdars' Courts; It is hereby enacted as follows :— Preamble.

1. (*1*) This Act may be called the Mamlatdars' Courts Act, 1906. Short title.

(*2*) It shall extend to the whole of the Bombay Presidency, except the City of Bombay. [2]* * Local extent.

2. The Mamlatdars' Courts Act, 1876, is hereby repealed. Repeal of Bom. Act III of 1876.

3. In this Act, unless there is anything repugnant in the subject or context, Interpretation.

(*a*) the word "Mamlatdar" shall include any Revenue-officer exercising for the time being the powers of a Mamlatdar, of a Mukhtyarkar, or of a Mahalkari, and any other person who may be specially authorized by the [3][Provincial Government] to exercise the powers of a Mamlatdar under this Act; and

(*b*) the words "plaintiff" and "defendant" shall include—

(*i*) a pleader duly appointed to act on behalf of such plaintiff or defendant, and

(*ii*) the recognized agent of a plaintiff or defendant as defined in section 37 of the [4]Code of Civil Procedure.

4. (*1*) The [3][Provincial Government] may, by notification in the [5][*Official Gazette*], appoint in any taluka a Joint Mamlatdar under this Act who shall be invested with co-extensive powers and a concurrent jurisdiction with the Mamlatdar, except that he shall dispose of such suits only as he may receive from the Mamlatdar. Power to appoint Joint Mamlatdar.

(*2*) The Mamlatdar is hereby empowered to transfer to the Joint Mamlatdar for disposal any suit under this Act the plaint in which has been presented to the Mamlatdar under section 7, and to re-transfer to his own file any such suit, of which the Joint Mamlatdar is, owing to death, sickness or any other cause, unable to dispose. Power of Mamlatdar to transfer suits to the Joint Mamlatdar.

(*3*) The [3][Provincial Government] may delegate [6][its] powers under sub-section (*1*) to the Commissioner. Delegation of powers to Commissioner.

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*This Act was repealed and section 2 thereof was re-enacted by Bom. 42 of 1947, s. 2.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1905, Pt. VII, p. 520; for Report of Select Committee, *see ibid.*, 1906, Pt. VII, p. 5, and for Proceedings in Council, *see ibid.*, 1905, Pt. VII, p. 578; *ibid.*, 1906, Pt. VII, pp. 31 and 189.

[2] The words "and Aden" were omitted by the Adaptation of Indian Laws Order in Council.

[3] The words "Provincial Government" were substituted for the words "Governor in Council," *ibid.*

See now the Code of Civil Procedure, 1908 (Act 5 of 1908).

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] The word "its" was substituted for the word "his", *ibid.*

Powers of Mamlatdars' Courts.

5. (*1*) Every Mamlatdar shall preside over a Court, which shall be called a Mamlatdar's Court, and which shall, subject to the provisions of sections 6 and 26, have power, within such territorial limits as may from time to time be fixed by the [1][Provincial Government], to give immediate possession of any lands or premises used for agriculture or grazing, or trees, or crops, or fisheries, or to restore the use of water from any well, tank, canal or water-course, whether natural or artificial, used for agricultural purposes to any person who has been dispossessed or deprived thereof otherwise than by due course of law, or who has become entitled to the possession or restoration thereof by reason of the determination of any tenancy or other right of any other person, not being a person who has been a former owner or part-owner, within a period of twelve years before the institution of the suit of the property or use claimed, or who is the legal representative of such former owner or part-owner :

Provided that, if in any case the Mamlatdar considers it inequitable or unduly harsh to give possession of any such property or to restore any such use to a person who has become entitled thereto merely by reason of the determination of any such tenancy or other right, or if it appears to him that such case can be more suitably dealt with by a Civil Court, he may in his discretion refuse to exercise the power aforesaid, but shall record in writing his reasons for such refusal.

Power to issue injunction.

(*2*) The said Court shall also, subject to the same provisions, have power within the said limits, when any person is otherwise than by due course of law disturbed or obstructed, or when an attempt has been made so to disturb or obstruct any person, in the possession of any lands or premises used for agriculture or grazing, or trees, or crops, or fisheries, or in the use of water from any well, tank, canal or water-course, whether natural or artificial, used for agricultural purposes, or in the use of roads or customary ways thereto, to issue an injunction to the person causing, or who has attempted to cause, such disturbance or obstruction, requiring him to refrain from causing or attempting to cause any further such disturbance or obstruction.

Suits to be filed within six months.

(*3*) No suit shall be entertained by a Mamlatdar's Court unless it is brought within six months from the date on which the cause of action arose.

Cause of action.

(*4*) The cause of action shall be deemed to have arisen on the date on which the dispossession, deprivation or determination, of tenancy or other right occurred ; or on which the disturbance or obstruction, or the attempted disturbance or obstruction, first commenced.

Explanation.—The exercise by a joint owner of any right which he has over the joint property is not a dispossession, or disturbance of possession of the other joint owner or owners within the meaning of this section.

Illustration I.

A lets *B* his field to cultivate for a specific period of one or more years. *B* refuses to resign possession after the expiration of that period. *A* can sue for possession in the Mamlatdar's Court at any time within 6 months from the date of the expiration of the said period, unless *B* is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property, or who is the legal representative of such former owner or part-owner.

Illustration II.

B is a yearly tenant of *A*, who gives him a notice to vacate, as he is bound to do under section 84 of the Bombay Land Revenue Code, 1879, at least three months before the end of the then current year of tenancy. At the commencement of the Bom. V of 1879.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

next year *B* refuses to vacate. *A* can sue *B* in the Mamlatdar's Court at any time within six months from the commencement of that year, unless *B* is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property, or who is the legal representative of such former owner or part-owner.

Illustration III.

A allows *B* the use of water from his well, or from his water-course, for a specific period, at the expiration of which *B* continues to take water from the well or water-course without *A*'s consent. *A* may sue *B* in the Mamlatdar's Court at any time within six months from the expiration of the said period to obtain an injunction to stop *B* from taking the water, unless *B* is a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the use of the water, or who is the legal representative of such former owner or part-owner.

Illustration IV.

A and *B* hold lands adjacent to a पाट or फांस, or similar artificial water-course which has hitherto been exclusively used by *B*. *A* draws water therefrom. *B* may sue in the Mamlatdar's Court, at any time within six months from the date on which *A* commences to take the water, for an injunction to prevent *A* from so doing.

Power of Collector to transfer suits.

6. The Collector may, after due notice to the parties, by order in writing transfer any suit from any Mamlatdar's Court in his district to any other Mamlatdar's Court in his district, and the Mamlatdar's Court to which the suit is so transferred shall thereupon exercise jurisdiction in such suit; but any order issued to village-officers under section 21 shall be issued by the Mamlatdar to whom such village-officers are subordinate.

Suits commenced by plaint. Contents of plaint.

7. All suits under this Act shall be commenced by a plaint, which shall be presented to the Mamlatdar in open Court by the plaintiff, and which shall contain the following particulars :—

(*a*) the name, age, religion, caste, profession and place of abode of the plaintiff;

(*b*) the name, age, religion, caste, profession and place of abode of the defendant;

(*c*) the nature and situation of the property of which possession or use is sought, or the nature of the injunction to be granted, as the case may be;

(*d*) the date on which the cause of action arose;

(*e*) the circumstances out of which the cause of action arose; and

(*f*) a list of the plaintiff's documents, if any, and of his witnesses, if any, shewing what evidence is required from each witness, and whether such witnesses are to be summoned to attend, or whether the plaintiff will produce them on the day and at the place to be fixed under section 14.

Informal petitions to be treated as plaints.

8. Where a petition not in the form of a plaint is presented to the Mamlatdar and the subject matter thereof appears to fall within the scope of section 5, the Mamlatdar shall explain to the person presenting the petitition the nature of the reliefs afforded by this Act and shall inquire whether the petitioner desires to obtain relief thereby. If the petitioner expresses a desire so to obtain relief, the Mamlatdar shall endorse the desire on the petition which shall thereupon be deemed to be a plaint presented under section 7.

Examination of plaintiff on oath.

9. Where the plaint does not contain the particulars specified in section 7 or is unnecessarily prolix, the Mamlatdar shall forthwith examine the plaintiff upon oath and ascertain from him such of the particulars specified in section 7 as are not clearly and correctly stated in the plaint and shall reduce the examination to writing

in the form of an endorsement on or annexure to the plaint which shall thereupon be deemed to be part of the plaint. Where the plaintiff requires time to obtain any of the particulars specified in section 7, the Mamlatdar shall grant him such time as may under all the circumstances appear reasonable.

Plaint to be subscribed and verified.

10. When the plaint is presented, and has, if necessary, been treated in the manner specified in section 9, the Mamlatdar shall require the plaintiff to subscribe and verify the plaint in his presence, in open Court, in the manner following, or to the like effect :—

"I, *A. B.*, the plaintiff, do declare that what is stated in this plaint is true to the best of my information and belief."

Endorsement by Mamlatdar.

11. (*1*) The Mamlatdar shall endorse the plaint to the effect that it was duly subscribed and verified.

Procedure where plaintiff cannot write.

(*2*) Where the plaintiff cannot write, the verification may be written for him in open Court and he shall affix his mark to his name in token of the authenticity of the verification, and the Mamlatdar shall, in such case, record that the verification was made in his presence at the request of the plaintiff, and that his mark was so affixed.

Rejection of plaint.

12. The Mamlatdar shall reject the plaint—

(*a*) where the plaintiff declines to make a statement on oath under section 9 ; or

(*b*) where the plaintiff is willing to make or has made a statement on oath under section 9, but fails to furnish the particulars specified in section 7 within the time fixed under section 9 or altogether ; or

(*c*) where it appears upon the face of the plaint,

(*i*) that the property or use claimed is not one of the kind specified in section 5, or

(*ii*) that the cause of action arose more than six months before the plaint was presented ; or

(*d*) where the plaintiff declines to subscribe or verify the plaint as required by sections 10 and 11.

Return of plaint.

13. Where it appears to the Mamlatdar that the subject of the plaint is not within his jurisdiction, he shall return the plaint to be presented in the proper Court.

Procedure where plaint admissible.

14. (*1*) Where a plaint is admissible, the Mamlatdar shall receive and file it. He shall then fix a convenient day and place for the trial of the case, and shall issue, at the expense of the plaintiff, notice in the form of Schedule A to the defendant. He shall then require the plaintiff to appear with his documents, if any, and witnesses, if any, on the day and at the place fixed.

(*2*) The date to be fixed for the trial of the case shall not be earlier than ten days, nor later than fifteen days, from the day on which the notice is issued, except for sufficient reason to be recorded in writing by the Mamlatdar with his own hand.

(*3*) The place to be fixed for the trial of the case may be in the Mamlatdar's office, or at or near the scene of dispute, or at any other spot that the Mamlatdar considers convenient to the parties.

Attendance of witnesses.

15. (*1*) Where either party requires any witness to be summoned to appear on the day and at the place fixed, the Mamlatdar shall issue a summons for that purpose.

(*2*) The Mamlatdar may issue, after recording his reasons in writing, a warrant for the arrest of any such witness if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

(*3*) The payment of the cost incurred in thus procuring the attendance of witnesses shall be regulated in accordance with the rules that may from time to time be in force in regard to the attendance of witnesses in Subordinate Civil Courts.

Where plaintiff makes default, plaint to be rejected with costs.

16. (*1*) Where the plaintiff fails to attend, or to produce his documents, if any, or to adopt measures to procure the attendance of his witneses, if any, on the day and at the place fixed, the Mamlatdar shall reject the plaint with costs, whether the defendant appears or not, unless the defendant admits the claim.

Where defendant does not appear, case to be heard *ex parte*.

(*2*) Where the plaintiff attends as required by section 14, sub-section (*1*), but the defendant fails to attend, and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the defendant and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall proceed to hear and decide the plaint *ex parte*:

But case may be reheard on sufficient cause being shown.

Provided, *firstly*, that if either party satisfies the Mamlatdar at any time within thirty days from the date of the rejection of a plaint under sub-section (*1*), or of an *ex parte* decision under sub-section (*2*), that he was prevented by some unavoidable circumstance from attending, or from producing his documents or from adopting measures to procure the attendance of his witnesses, as the case may be, it shall be lawful for the Mamlatdar to issue a notice in the form of Schedule B at the expense of the applicant to the opposite party and, if still satisfied after hearing the opposite party that the applicant was prevented as alleged, to re-hear the case at such time and place as he may then fix:

or plaintiff may withdraw his suit.

Provided, *secondly*, that nothing in the foregoing provisions shall prevent the plaintiff from withdrawing his suit on payment of the defendant's costs.

When proceedings may be adjourned.

17. (*1*) Where, in the case mentioned in sub-section (*2*) of section 16, the Mamlatdar is not satisfied from the evidence before him that the notice has been duly served on the defendant, and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall adjourn the trial of the case and issue a fresh notice under section 14, sub-section (*1*), to the defendant.

(*2*) Where any witness who has been duly summoned, or for whose arrest a warrant has been issued under sub-section (*2*) of section 15, fails to attend on the day and at the place fixed, the Mamlatdar may, if he considers there is sufficient reason, after taking the evidence of those present, adjourn the hearing of the suit from time to time till the attendance of such witness can be enforced.

(*3*) The Mamlatdar may, for any other sufficient reason to be recorded in writing, adjourn the trial of the case for such time as he thinks fit, but not ordinarily exceeding ten days.

(*4*) The provisions of sections 15 and 16 shall apply in respect of any day to which the trial of the case may be adjourned under this section, as if such day were the day originally fixed for the trial.

Minor may be a party.

18. (*1*) A minor may sue or be sued, if he is represented by a natural or duly appointed guardian.

Power to add parties.

(*2*) The Mamlatdar may, at any stage of the proceedings, order that the name of any person to whom possession or enjoyment of the property or use claimed, or of any part thereof, may have been transferred, or the addition of whom

as a party appears necessary in order to enable the Court effectually and completely to adjudicate upon the issues, be added as a plaintiff or defendant, as the circumstances of the case may require:

Provided that no person shall be added as a plaintiff without his consent:

Provided also that in respect of any person so added, not being a transferee pending the suit, the suit shall for the purposes of section 5, sub-section (*3*), be deemed to have been instituted on the day when his name was so added.

Procedure in case of death of party.

(*3*) In case of the death of any party while the suit is pending,

(*i*) if application is made within one month of such death, the Mamlatdar shall determine summarily who is the legal representative of the deceased party and shall enter on the record the name of such representative;

(*ii*) if no such application is made, the suit shall abate.

(*4*) Where the Mamlatdar orders the name of any person to be added as a defendant or enters on the record the name of any person as the legal representative of a deceased defendant, the Mamlatdar shall issue to such person a notice as provided in section 14; and the trial shall proceed on the date fixed in such notice.

Points to be decided by Mamlatdar at hearing.

19. (*1*) On the day fixed, or on any day to which the proceedings may have been adjourned, the Mamlatdar shall, subject to the provisions of section 16, proceed to hear all the evidence that is then and there before him, and to try the following issues, namely:—

(*a*) If the plaintiff avers that he has been unlawfully dispossessed of any property or deprived of any use—

(*1*) whether the plaintiff or any person on his behalf or through whom he claims was in possession or enjoyment of the property or use claimed up to any time within six months before the suit was filed;

(*2*) whether the defendant is in possession at the time of the suit, and, if so, whether he obtained possession otherwise than by due course of law;

(*b*) if the plaintiff avers that he is entitled to possession of any property or restoration of any use by reason of the determination of any tenure or other right of the defendant in respect thereof—

(*1*) whether the defendant is in possession of the property or in the enjoyment of the use by a right derived from the plaintiff or from any person through whom he claims;

(*2*) whether such right has determined at any time within six months before the suit was filed;

(*3*) whether the defendant is other than a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property or use claimed, and other than the legal representative of such former owner or part-owner;

(*c*) if the plaintiff avers that he is still in possession of the property or in the enjoyment of the use, but that the defendant disturbs or obstructs, or has attempted to disturb or obstruct, him in his possession or use—

(*1*) whether the plaintiff or any person in his behalf is actually in possession or enjoyment of the property or use claimed;

(*2*) whether the defendant is disturbing or obstructing, or has attempted to disturb or obstruct, him in such possession or enjoyment;

(*3*) whether such disturbance or obstruction, or such attempted disturbance or obstruction, first commenced within six months before the suit was filed.

(2) The Mamlatdar may, after due notice to, and in the presence of, the parties, summon and examine as a witness any person who has not been summoned or produced; and may call for and cause to be proved any document which has not been applied for or produced, by either of the parties, where he considers it expedient in the interests of justice so to do, and may, if he thinks fit, make a personal inspection of the property in dispute in the presence of, or after due notice to, the parties. [1][He shall without unnecessary delay record a memorandum after hearing the parties on the spot, if present, of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case.] Power of Mamlatdar to examine other witnesses and inspect property in dispute.

(3) The Mamlatdar shall with his own hand make or sign a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds, and briefly record his reasons for his finding. Record of proceedings by Mamlatdar.

(4) Where the Mamlatdar's finding upon the issues is in favour of the plaintiff, he shall make such order, not being in excess of the powers vested in him by section 5, as the circumstances of the case appear to him to require; and where his finding is in favour of the defendant, he shall dismiss the suit. In either case the costs of the suit, including the costs of execution, shall follow the decision. Orders to be passed by Mamlatdar upon decisions in favour of plaintiff and defendant.

20. Every order of the Mamlatdar, whether for rejecting or returning a plaint or whether for allowing or disallowing a claim, shall be endorsed by the Mamlatdar on the plaint and shall be read out by him in open Court, either at once or on some future day of which due notice shall be given to the parties or their pleaders, and brief reasons for the order shall be placed by him on record. Mamlatdar's order to be endorsed on plaint and read out in open Court.

21. (1) Where the Mamlatdar's decision is for awarding possession or restoring a use, he shall give effect thereto by issuing such orders to the village-officers, or to any subordinate under his control or otherwise, as he thinks fit: Mamlatdar's decision how executed.

Provided that, notwithstanding anything contained in this Act, where at the time when a decision is recorded by the Mamlatdar for awarding possession of any land, there is a crop on such land which has been sown by, or at the expense of, the defendant, and the Mamlatdar is satisfied that it has been so sown in good faith, the Mamlatdar may, and if the defendant makes an application for the purpose and furnishes sufficient security, or deposits in Court a sufficient sum, for the payment of the costs of the suit, shall pass an order staying delivery of possession of such land to the plaintiff seeking possession thereof, either Proviso as to growing crops.

(a) until the plaintiff agrees to take the crop at a valuation, to be made under the orders of the Mamlatdar, according to the value of the crop at such time, including any instalments of the Government assessment which the defendant may have paid for the current year; or

(b) where the plaintiff is unwilling to take the crop at such valuation until after the expiration of sufficient time for the crop to be gathered by the defendant.

The amount of any valuation made under clause (a) of the proviso to this sub-section shall be paid to the defendant through the Mamlatdar, and shall be recoverable from the plaintiff as an arrear of land-revenue.

(2) Where the Mamlatdar's decision is for granting an injunction, he shall cause the same to be prepared in the form of Schedule C, and shall deliver or tender the same then and there to the defendant, if present, or if the defendant is not present, shall send it to the village-officers, or to any subordinate under his control, to be served upon the defendant. Mode of serving injunction.

[1] These words were added by Bom. 11 of 1928, s. 2, First Schedule.

Recovery of costs awarded.

(*3*) Where the Mamlatdar awards costs, such costs, together with the costs of execution, shall be recoverable from the party ordered to pay them as an arrear of land-revenue.

Disobedience to an injunction how punishable.

(*4*) Any person disobeying an injunction granted under sub-section (*2*) shall be punishable under section 188 of the [1]Indian Penal Code. XLV of 1860.

Possession to be given without prejudice to rights of parties.

22. Subject to the provisions of section 23, sub-section (*2*) and section 24, the party to whom the Mamlatdar gives possession, or restores a use, or in whose favour an injunction is granted, shall continue in possession or use until ousted by a decree or order of a competent Civil Court:

Provided, *firstly*, that nothing in this section shall prevent the party against whom the Mamlatdar's decision is passed from recovering by a suit in a competent Civil Court mesne profits for the time he has been kept out of possession of any property, or out of enjoyment of any use:

Provided, *secondly*, that in any subsequent suit or other proceeding in any Civil Court between the same parties, or other persons claiming under them the Mamlatdar's decision respecting the possession of any property or the enjoyment of any use or respecting the title to or valuation of any crop dealt with under the proviso to sub-section (*1*) of section 21, shall not be held to be conclusive.

Bar of appeal.

23. (*1*) There shall be no appeal from any order passed by a Mamlatdar under this Act.

Collector's power to revise Mamlatdar's proceedings.

(*2*) But the Collector may call for and examine the record of any suit under this Act, and if he considers that any proceeding, finding or order in such suit is illegal or improper, may, after due notice to the parties, pass such order thereon, not inconsistent with this Act, as he thinks fit.

Delegation of Collector's powers.

[2][(*2A*) The Collector may delegate the powers conferred on him by this section to any Assistant Collector or Deputy Collector subordinate to him.];

Collector deemed to be a Court.

(*3*) Where the Collector, [3][Assistant Collector or Deputy Collector] takes any proceedings under this Act he shall be deemed to be a Court under this Act.

Powers of the Court of the Judicial Commissioner of Sind.

24. The [4]Court of the Judicial Commissioner of Sind may exercise over Mamlatdars' Courts in the Province of Sind the powers exercised by the High Court of Bombay, over Mamlatdars' Courts in other parts of the Bombay Presidency.

Punishment for verification of false plaint.

25. Any plaintiff subscribing and verifying any plaint under this Act which he either knows or believes to be false, or does not believe to be true, in any material point, shall be deemed to have committed an offence punishable under section 193 of the [1]Indian Penal Code. XLV of 1860.

Bar of certain suits.

26. No suit shall lie under this Act

(*a*) [5][against the Crown or against any servant of the Crown] in respect of any act done or purporting to be done by any such officer in his official capacity, except where acting as a manager or guardian duly constituted under any law for the time being in force; or

(*b*) in respect of any dispossession, recovery of possession or disturbance of possession, that has been the subject of previous proceedings, to which the plaintiff or his predecessor in interest was a party, under this Act, or in a Civil Court, or under Chapter XII of the Code of Criminal Procedure, 1898. V of 1898.

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[1] Central Acts.

[2] This sub-section was inserted by Bom. 24 of 1942, s. 2(*a*), read with Bom. 42 of 1947, s. 2.

[3] These words were inserted, *ibid.*, s. 2 (*b*).

[4] On coming into force of Bom. 7 of 1926, for the words "Court of the Judicial Commissioner of Sind" the words "Chief Court" shall be substituted.

[5] These words were substituted for the words "against Government or against any officer of Government" by the Adaptation of Indian Laws Order in Council

SCHEDULE A.

FORM OF NOTICE TO BE ISSUED TO THE DEFENDANT UNDER SECTION 14.

Seal of the Court

No. OF SUIT.

In the Court of the Mamlatdar of

Plaintiff.

Defendant.

TO DEFENDANT—(*name, age, religion, caste, profession and place of abode*).

WHEREAS (*here enter the name, age, religion, caste, profession and place of abode of the plaintiff*) has instituted a suit in this Court against you (*here state the particulars of the plaint*):

You are hereby summoned to appear in this Court at the village of in person or by duly authorized agent on the day of at o'clock m., to answer the above-named plaintiff; and, as the plaint will be finally disposed of on that day, you must adopt measures to produce your documents and procure the attendance of your witnesses at the hour and place above fixed; and you are hereby required to take notice that, in default of such appearance at the before mentioned time and place, the suit will be heard and determined in the absence of yourself and your agent.

Dated this day of 19 .

(*Signed*)

Mamlatdar.

Note.—If you require your witnesses to be summoned by the Court, you should make an application to that effect to the Court without delay, so as to allow of the service of the summonses a reasonable time before the within mentioned date.

SCHEDULE B.

FORM OF NOTICE TO BE ISSUED UNDER SECTION 16.

Seal of the Court

No. OF SUIT.

In the Court of the Mamlatdar of

Plaintiff.

Defendant.

TO PLAINTIFF (*or* DEFENDANT, *as the case may be*).

WHEREAS, in the suit above specified, instituted in this Court by the Court ordered on the day of last that , and the said plaintiff (*or* defendant, *as the case may be*) has

under date the day of , applied to this Court to re-hear the case on the grounds that (*here state the grounds*):

This is to give you notice that the said application will be heard and determined on the day of at o'clock *m.*, at the village of , and you are hereby required to take notice that in default of your appearance personally or by agent at the said time and place, the application will be heard and determined in your absence and, if granted, a time and place for re-hearing the suit will then be fixed.

Dated this day of 19 .

(*Signed*)

Mamlatdar.

SCHEDULE C.

FORM OF INJUNCTION TO BE ISSUED UNDER SECTION 21, SUB-SECTION (2).

Seal of the Court.

No. OF SUIT.

In the Court of the Mamlatdar of

Plaintiff.
Defendant.

TO DEFENDANT

WHEREAS in the suit above specified the Court has this day found that you have disturbed or obstructed (or that you have attempted to disturb or obstruct) the said plaintiff in his possession of the under-mentioned property (*or* enjoyment of the under-mentioned use of water *or* use of roads, *or otherwise as the case may be*) by (*here describe the disturbance or obstruction or attempted disturbance or obstruction found proved*):

You are hereby prohibited from making any further attempt to disturb or obstruct (*if necessary set forth the particular kind of disturbance or obstruction which the defendant is enjoined not to repeat*) the said plaintiff in his possession of the said property (*or otherwise as the case may be*) otherwise than in execution of the decree of a competent Civil Court.

Dated this day of 19 .

(*Signed*)

Mamlatdar.

THE PRINCE OF WALES MUSEUM ACT, 1909.

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SCHEDULE.

BOMBAY ACT No. III OF 1909.[1]

[THE PRINCE OF WALES MUSEUM ACT, 1909.]

[*19th August 1909*]

Amended by Bom. 7 of 1913;
" " " 6 of 1921;
" " " 12 of 1922;
" " " 7 of 1924;
" " " 19 of 1933.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide for the erection and management of the Prince of Wales Museum of Western India.

WHEREAS it is intended to erect and maintain at Bombay a Museum as a memorial of the visit in the year 1905 of His Royal Highness the Prince of Wales to Bombay;

AND whereas certain land has been set apart and large sums of money have been and are being subscribed for these purposes;

AND whereas three Trustees have been provisionally appointed to take the custody of the said moneys;

AND whereas it is expedient to make provision for the erection, maintenance and management of the Museum and for the vesting and management of the said land and moneys and for the appointment of a permanent Board of Trustees;

It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Prince of Wales Museum Act, 1909, and

(*2*) It shall come into force at once.

Property vested in the Board.

2. All the estate, right, title and interest of His Majesty together with all other estates, rights, titles and interests in and to the land specified in the Schedule to this Act and all moneys now in the custody of the three Trustees provisionally appointed to take the custody of the moneys subscribed for the purposes of erecting or maintaining at Bombay a Museum as a memorial of the visit in the year 1905 of His Royal Highness the Prince of Wales to Bombay and all the other property, whether immovable or moveable, which has been or may hereafter be given, devised, bequeathed, transferred or otherwise acquired for the said purposes shall vest in the permanent Board of Trustees constituted by this Act on trust for the erection on the land specified in the said Schedule of a Museum to be called "The Prince of Wales Museum of Western India," and for the maintenance and management of the said land and Museum.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1908, Part VII, page 171; for Report of Select Committee, *see ibid.*, 1909, Part VII, page 91, and for Proceedings in Council *see ibid.*, 1909, Part VII, pages 36 and 168.

Constitution and powers of the Board.

3. (*1*) There shall be constituted for the purposes of this Act a permanent Board of Trustees to be called "The Trustees of the Prince of Wales Museum of Western India" and such Board (hereinafter called "the Board") shall be a body corporate, with perpetual succession and a common seal, and in the name of "The Trustees of the Prince of Wales Museum of Western India" shall sue and be sued, and shall have power to [1][acquire and hold immovable or moveable property, to let on hire, lease or mortgage any immovable property vesting in them] to enter into contracts, and to do all acts necessary for and consistent with the purposes of this Act:

[2][Provided that the Board shall not have power to mortgage any land specified in the Schedule which is included within lines drawn parallel to, and at a distance of twenty feet from, above the plinths of the front corner towers of the present Museum building and extending from the Rampart Row boundary to the Esplanade Road boundary which area contains by admeasurement 14,606 square yards, be the same a little more or less, and is for greater clearness delineated on the plan referred to in section 2 of the Prince of Wales Museum (Amending) Act, 1913, or any building thereon.] Bom. VII of 1913.

(*2*) The Board shall consist of the following members, namely:—

[3][(*a*) the Director of Industries for the Presidency of Bombay;]

(*b*) the Collector of Bombay;

(*c*) the Principal of the Sir Jamsetjee Jeejeebhoy School of Art;

(*d*) the Superintendent, Archæological Survey, Western Circle;

(*e*) such two members of the Municipal Corporation of the City of Bombay as shall from time to time be elected by the said Corporation in accordance with such regulations as may from time to time be made in this behalf by the said Corporation: provided that the election shall be by [4][ballot];

[3][(*f*) three other persons be nominated by the [5][Provincial Government];]

[6][(*g*) so long as the collection installed in the Museum by the Bombay Natural History Society remain in the Museum, two other persons to be nominated by the Managing Committee of the Bombay Natural History Society;

(*h*) so long as the loan collection of the Bombay branch of the Royal Asiatic Society remains in the museum, one other person to be nominated by the Bombay branch of that Society;

[7][(*hh*) one other person elected at a joint meeting of the Trustees of the Sir Dorabji Tata Trust constituted by a trust deed dated the eleventh day of March 1932 and of the Trustees of the Sir Ratan Tata Charities constituted by the will and codicil of Sir Ratan Tata dated the twenty-first day of March 1913 and the twenty-ninth day of February 1916, respectively, by a majority of votes of the Trustees present and voting at such meeting, the Chairman of such meeting having a casting vote in the case of an equality of votes;]

(*i*) one other person to be nominated by the Syndicate of the University of Bombay; and

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[1] These words were substituted for the words "hold and acquire property" by s. 2 (*a*) of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921).

[2] This proviso was added by s. 2 (*b*), *ibid.*

[3] This clause was substituted by s. 2 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. 12 of 1922).

[4] This word was substituted for the words "open vote, and", *ibid.*

[5] The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[6] These clauses were inserted by s. 2 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. 12 of 1922).

[7] Clause (*hh*) was inserted by Bom. 19 of 1933, s. 2.

(*j*) four other persons to be nominated by the Board, if the Board so desire, for such period as the Board may consider desirable.]

(*3*) In the case of *ex-officio* members the person for the time being performing the duties of any of the offices mentioned in sub-section (*2*) shall act as a member.

(*4*) All acts done by a majority of the members present and voting at a meeting of the Board shall be deemed to be acts of the Board.

(*5*) No act of the Board shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, the Board.

(*6*) The Board may appoint a person to act as their Secretary.

(*7*) Orders for the payment of money on behalf of the Board shall be deemed to be sufficiently authenticated if signed by two members and countersigned by the Secretary.

Term of office: election and appointment of new members if a vacancy.

[1][**3A.** (*1*) Members of the Board other than *ex-officio* members shall, save as herein otherwise provided, hold office for a period of three years.

(*2*) If a member, other than an *ex-officio* member—

(*a*) dies, or

(*b*) is absent from the meetings of the Board for more than six consecutive months, or

(*c*) leaves the Presidency of Bombay with the intention of being absent therefrom for more than six consecutive months, or

(*d*) desires to be discharged, or

(*e*) refuses to act or becomes incapable of acting,

a new member may be elected or nominated, as the case may be, in the same manner as was the member in whose place he is to be elected or nominated and he shall hold office for so long only as such member would have held it if the vacancy had not occurred.

Power of Board to lend, exchange, sell or destroy articles in collections.

[1][**3B.** Subject to the provisions of any rules made by the [2][Provincial Government] in this behalf the Board may, from time to time—

(*a*) deliver by way of loan to any person the whole or any portion of, or any article contained in, any collection vested in them under this Act;

(*b*) exchange or sell articles contained in any such collection and take or purchase, in the place of such articles, such articles as may in their opinion be worthy of preservation in the Museum;

(*c*) present articles contained in any such collection to other Museums in India or elsewhere; and

(*d*) remove and destroy any article contained in any such collection:

Provided that nothing herein contained shall authorise the Trustees to lend, exchange, sell, present, remove or destroy any article when such lending, exchange, sale, presentation, removal or destruction, as the case may be, is precluded by the terms on which the Trustees may have received any such article.]

Power of Board to keep collections not belonging to them.

[1][**3C.** Notwithstanding anything hereinbefore contained, the Board may, if they think fit, assume the custody and administration of collections which are not the property of the Board for the purposes of their trust under this Act and keep and preserve such collections either in the Museum or elsewhere.]

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[1] Sections 3A, 3B and 3C were inserted by s. 3 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. 12 of 1922).

[2] The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Officers and servants to be public servants.

4. All officers and servants employed by the Board shall be deemed to be public servants within the meaning of the Indian Penal Code: XLV of 1860.

Provided that this section shall not apply to persons in the service of any contractor employed by the Board.

Rules.

5. (*1*) The [1][Provincial Government] may make rules to carry out the purposes of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide--

(*a*) for the manner in which meetings of the Board shall be convened, the quorum necessary for the transaction of business, and the procedure at such meetings;

(*b*) for the appointment of committees of the Board, and the powers of expenditure and control which may be delegated to such committees;

(*c*) for the erection of the Museum on the land specified in the Schedule to this Act and for the maintenance and management of the said land and Museum, the care and custody of the objects deposited in the Museum, and the conditions under which the public shall have access to the land or Museum;

(*d*) for the maintenance, management and disposal of any other immovable property vested in the Board and for the investment and re-investment in public securities or otherwise and for the safe custody of the funds of the Board;

(*e*) for the form of accounts to be kept by the Board, and for the audit and publication of such accounts; and

(*f*) for the application to the officers and servants employed by the Board of the rules which apply to the civil servants of the Crown, or to any class of such civil servants;

[2][(*g*) for the payment of contributions at such rates and subject to such conditions as may from time to time be prescribed by the Board to any provident fund which may be established by the Board for the benefit of the officers and servants employed by it.]

Power to borrow from Central or Provincial Government or person.

[3][**6.** The Board may from time to time borrow or reborrow and take up at interest from [4][the Central or the Provincial Government] or with the previous sanction of the [1][Provincial Government] from any person any sum necessary for the purpose of defraying any costs, charges or expenses incurred or to be incurred by them to carry out the purposes of this Act, or for the purpose of repaying either in whole or part any sums hereafter borrowed or owing by the Board.

[5] * * * * * * *

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[1] The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] Clause (*g*) was inserted by Bom. 7 of 1924, s. 2 (*1*). This clause shall be deemed to have had effect from such date as may be fixed by the Board in this behalf. *See* section 2 (*2*) *ibid.*

[3] Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921).

[4] The words "the Central or the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[5] The proviso to s. 6 was omitted, *ibid.*

[1][7. (*1*) The Board may borrow or reborrow any such sum as aforesaid from any person on the security of any immovable property vesting in them other than the property mentioned in the proviso to section 3 or of their revenues or of both of these securities. Mortgage of immovable property, or revenues.

(*2*) For the purpose of securing the repayment of any sum so borrowed with interest thereon they may mortgage to the person by or on behalf of whom such sum is advanced any such immovable property or revenues of both of these securities.]

[1][8. (*1*) In respect of every loan raised by the Board for a term exceeding one year, the Board shall either pay off the money borrowed by equal yearly or half-yearly instalments of principal or of principal and interest, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest by investing the same in the purchase of public securities or in such other securities as the [2][Provincial Government] may approve in this behalf such sum or sums as will, with accumulations in the way of compound interest, be sufficient after payment of all expenses to pay off the moneys so borrowed [3][within such period not exceeding sixty years from the date of the raising of the loan as the [2][Provincial Government] may in each case direct.] Provisions as to sinking funds.

(*2*) The Board may at any time apply the whole or any part of a sinking fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established: Provided that they pay into the fund each time that interest would have been received by the Board in respect of the sinking fund or the part of the sinking fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received.]

[1][9. The sinking fund established for the liquidation of any loan shall be subject to annual examination by the Accountant General, Bombay, who shall ascertain whether the cash and the value of the securities at the credit of the fund are actually equal to the amount which would have been accumulated, had investments been regularly made, and had the rate of interest as originally estimated been obtained thereon. The Board shall pay forthwith into the sinking fund any amount which the Accountant General may certify to be deficient, unless the [2][Provincial Government] specially sanction a gradual re-adjustment.] Annual examination of sinking fund.

[1][10. (*1*) In respect of any sinking fund which by this Act the Board are directed or empowered to invest in public securities or in such other securities as the [2][Provincial Government] may approve in this behalf, it shall be lawful for the Board to reserve and set apart for the purposes of any such investment any debentures to be issued on account of any loan for which the sanction of the [2][Provincial Government] shall have been duly obtained, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan. Issue of debentures.

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[1] Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921).

[2] The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for the words "within the period sanctioned" by s. 5 of the Prince of Wales Museum (Amendment) Act, 1922 (Bom. 12 of 1922).

[4] Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921).

[5] The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*2*) The issue of any such debentures direct to and in the name of "the Trustees of the Prince of Wales Museum of Western India" shall not operate to extinguish or cancel such debentures, but every debenture so issued shall be valid in all respects as if issued to, and in the name of, any other person.

(*3*) The purchase by, or the transfer, assignment or endorsement to, the Board of any debenture issued by the Board shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiable in the same manner and to the same extent as if held by, or transferred, assigned or endorsed to, any other person.]

Form of debentures.

[1][**11.** (*1*) When money is raised by the Board on debentures the debentures shall be in such form as the Board, with the previous sanction of the [2][Provincial Government], shall from time to time determine.

(*2*) The holder of any debenture in any form duly authorised under this section may obtain in exchange therefor, upon such terms as the Board shall from time to time determine, a debenture in any other form authorised by the Board.

(*3*) Every debenture issued by the Board shall be transferable by endorsement.

(*4*) The right to payment of the moneys secured by any such debentures and to sue in respect thereof shall vest in the respective holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.]

Prohibition of endorsements on allonges.

[1][**12.** (*1*) Notwithstanding anything contained in section 15 of the [3]Negotiable Instruments Act, 1881, the holder of any debenture issued under the provisions of this Act and transferable by endorsement shall not be said to endorse the debenture, or be called the endorser thereof, if when he signs the same for the purpose of negotiation he subscribes his signature for that purpose elsewhere than on the back of the debenture itself.] XXVI of 1881.

Issue of stock certificates.

[1][**13.** (*1*) The Board may at their discretion at the time of issue or at any time during the currency of any debentures issued under the provisions of this Act, upon the application of the subscriber for, or holder of, any such debentures, issue to him, in lieu of the debentures deliverable to or held by him, a certificate in the nature of a stock certificate in respect of each loan to which such debentures relate, which shall be in such form as the Board, with the previous consent of the [2][Provincial Government], shall from time to time determine.

(*2*) The Board shall upon the application of the holder of a stock certificate convert the same into debentures of the loan to which it relates.]

Payment to survivors of joint payees.

[1][**14.** (*1*) Notwithstanding anything contained in section 45 of the [3]Indian Contract Act, 1872, when money in respect of any debenture or stock certificate issued under the provisions of this Act is payable to two or more persons jointly and either or any of them dies, the money shall be payable to the survivor or survivors of those persons. IX of 1872.

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[1] Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921).

[2] The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] Central Acts.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the money payable jointly to him or them and the deceased.]

[1][**15.** Notwithstanding anything contained in section 45 of the [2]Indian Contract Act, 1872, where two or more persons are joint holders of any debenture or stock certificate issued under the provisions of this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or stock certificate, unless notice to the contrary has been given to the Board by any other of those persons.] Power of one or more joint holders to grant receipt.

IX of 1872.

[1][**16.** No notice of any trust in respect of any debenture, or stock certificate issued by the Board shall be receivable by the Board.] Notice of trust not receivable.

[1][**17.** (*1*) The Board may from time to time make rules prescribing :— Board empowered to make rules.

(*a*) the amounts for which debentures and stock certificates may be issued ;

(*b*) the mode in which payment of interest in respect of all debentures and stock certificates issued under the provisions of this Act is to be made, recorded and acknowledged ;

(*c*) the circumstances in which such debentures and stock certificates must be renewed before further payment of interest thereon can be claimed ;

(*d*) the fees to be levied in respect of the issue of renewed debentures and stock certificates ;

(*e*) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock ;

(*f*) the form in which debentures and stock certificates delivered for renewal are to be receipted ;

(*g*) the proof to be produced by persons applying for duplicate debentures and stock certificates ;

(*h*) the circumstances and manner in which duplicate debentures and stock certificates may be issued in case of debentures and stock certificates alleged to have been wholly or partly lost or destroyed and the period after which interest may be paid or a duplicate be issued in case of such debentures and stock certificates and the fees to be levied in respect of the issue of duplicate debentures and stock certificates ;

(*i*) the nature and amount of indemnity to be given by a person applying for the payment of interest on debentures alleged to have been wholly or partly lost or destroyed, or the issue of duplicate debentures ;

(*j*) generally the measures to be adopted for carrying out the purposes of this Act.

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[1] Sections 6 to 17 were added by s. 3 of the Prince of Wales Museum (Amendment) Act, 1921 (Bom. 6 of 1921).

[2] Central Acts.

(2) (*a*) No rule, or alteration or revocation of a rule, shall have effect until the same shall have been approved by the [1][Provincial Government], and such approval shall have been published in the [2][*Official Gazette*]; and no rule, or alteration or revocation of a rule, shall be approved by the [1][Provincial Government] until the same shall have been published for three weeks successively in the said Gazette.

(*b*) It shall be lawful for the [1][Provincial Government] at any time by notification in the said Gazette to cancel any rule published under the provisions of this section.]

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*SCHEDULE.[3]

The semi-circular plot of land opposite the Sailors' Home and Elphinstone College, bounded on the north by Rampart Row, measuring 31,957 square yards or thereabouts and bearing Survey No. 8433 of the City of Bombay.

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[1] The words "Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] This Schedule has been amended by s. 2 of the Prince of Wales Museum (Amending) Act, 1913 (Bom. 7 of 1913).

*Some area was excluded from the area comprised in this Schedule, *ibid.*

BOMBAY ACT No. II OF 1912.[1]

[THE SOCIETIES REGISTRATION (AMENDMENT) ACT, 1912.][1]

[*29th May 1912.*]

An Act to amend the Societies Registration Act, 1860.

XXI of 1860. WHEREAS it is expedient to amend the Societies Registration Act, 1860, in manner hereinafter appearing ;

AND WHEREAS the previous sanction of the Governor-General required by section 5 of the [2]Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

Amendment of section 14.

XXI of 1860. 1. Notwithstanding anything contained in section 14 of the Societies Registration Act, 1860, hereinafter called " the said Act, " it shall be lawful for the members of any society dissolved under section 13 of the said Act to determine by a majority of the votes of the members present personally or by proxy at the time of dissolution of such society that any property whatsoever remaining after the satisfaction of all its debts and liabilities shall be given to Government to be utilised for any of the purposes referred to in section 1 of the said Act.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1912, Part VII, page 101, and for Proceedings in Council, *see ibid.*, 1912, Part VII, pages 187, 255.
The short title was given by Bom. II of 1921

[2] *See* now the Government of India Act, 1935.

THE BOMBAY RACE-COURSES LICENSING ACT, 1912.

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BOMBAY ACT No. III OF 1912.[1]

[THE BOMBAY RACE-COURSES LICENSING ACT, 1912.]

[*6th June 1912.*]

Amended by Bom. 4 of 1931.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 10 of 1938.

An Act to provide for the licensing of race-courses in the Bombay Presidency.

WHEREAS it is expedient to make provision for the [2][regulation, control and management of horse racing and all matters directly or indirectly connected therewith] in the Bombay Presidency; It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Bombay Race-courses Licensing Act, 1912.

(*2*) This section extends to the whole of the Bombay Presidency. The rest of the Act extends only to such areas as the [3][Provincial Government] may by notification in the [4][*Official Gazette*] direct.

Definitions.

2. In this Act—

(*a*) "horse-race" means any race in which any horse, mare or gelding runs or is made to run in competition with any other horse, mare or gelding for any prize of what nature or kind soever, or for any bet or wager made or to be made in respect of any such horse, mare or gelding or the riders thereof, and at which more than twenty persons shall be present;

(*b*) "race-course" means any ground on which a horse-race can be held.

Prohibition against horse-racing on unlicensed race-courses.

3. (*1*) No horse-race shall be held save on a race-course for which a licence for horse-racing granted in accordance with the provisions of this Act is in force.

(*2*) The terms of such licence shall be published in the [4][*Official Gazette*].

Application for licence for horse-racing.

4. (*1*) The owner, lessee or occupier of any race-course may apply to the [3][Provincial Government] for a licence for horse-racing on such race-course.

Grant of licence for horse-racing.

(*2*) The [3][Provincial Government] may withhold such licence or grant it subject to such conditions and for such period as [5][it] may think fit. [6][Such conditions may provide for—

(*a*) the payment of a licence fee;

(*b*) the amount of stakes which may be allotted for different kinds of horses;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1912, Part VII, page 131; for Report of Select Committee, *see ibid.*, 1912, Part VII, page 132; and for Proceedings in Council, *see ibid.*, 1912, Part VII, pages 221 and 471.

[2] These words were substituted for the original by Bom. 10 of 1938, s. 2.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[5] The word "it" was substituted for the word "he", *ibid.*

[6] This portion was inserted by Bom. 10 of 1938, s. 3.

(*c*) the measures to be taken for the training of persons to become jockeys; and

(*d*) such other matters, whether directly or indirectly connected with horse racing, for which, in the opinion of the Provincial Government, it is necessary or expedient to make provision in the licence.]

[1][(*3*) The [2][Provincial Government] may by such licence authorize the licensee to grant, subject to such conditions as shall be specified by the [2][Provincial Government] in such licence, a licence or permit to any bookmaker for such period not exceeding the period of the licence granted to the licensee as the licensee may think fit; and]

Cancellation of licence.

[3](*4*) The [2][Provincial Government] may at any time cancel any licence granted under this section in the event of any breach of the conditions subject to which it was granted.

Penalty for taking part in horse-race on unlicensed race-course.

5. Whoever takes part in any horse-race on any race-course for which a licence granted in accordance with the provisions of section 4 is not in force shall be punishable with fine which may amount to two hundred rupees.

Penalty for owner, etc., allowing racing in unlicensed place.

6. If any horse-race is held on any race-course for which a licence granted in accordance with the provisions of section 4 is not in force, any person being the owner, lessee or occupier of such race-course shall be punishable with fine which may amount to one thousand rupees.

Penalty for contravening conditions of licence.

[4]**7.** (*1*) If any person to whom a licence has been granted in accordance with the provisions of section 4 contravenes any of the conditions subject to which such licence was granted, such person shall be punishable with fine which may amount to one thousand rupees.

[5][(*2*) If any person to whom a licence or permit has been granted by a licensee in pursuance of the provisions of sub-section (*3*) of section 4 contravenes any of the conditions subject to which such licence or permit was granted he shall be punishable with fine which may extend to one thousand rupees.]

Cognizance of offences under this Act.

8. No Court inferior to that of a Presidency Magistrate or of a Magistrate of the First Class shall try an offence under this Act.

Exemptions.

9. The [2][Provincial Government] may from time to time by general or particular order published in the [6][*Official Gazette*] exempt any horse-race from the operation of this Act.

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[1] This sub-section and the word "and" were inserted by Bom. 4 of 1931, s. 9 (*a*) (*i*).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] Sub-section (*3*) was renumbered sub-section (*4*), by Bom. 4 of 1931, *ibid.*, s. 9 (*a*) (*ii*).

[4] Section 7 was renumbered 7 (*1*), *ibid.*, s. 9 (*b*).

[5] Sub-section (*2*) was inserted, *ibid.*

[6] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

THE BOMBAY MEDICAL ACT, 1912.

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17. Annual Medical List.
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19. Rules and regulations.
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THE SCHEDULE.

BOMBAY ACT No. VI OF 1912.[1]

[THE BOMBAY MEDICAL ACT, 1912.]

[*25th June 1912.*]

Amended by Bom. 9 of 1912;
" " " 4 of 1918;
" " " 12 of 1929.
Repealed in part and amended, by Bom. 3 of 1916;
" " " " " " " 4 of 1916.
Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act for the registration of medical practitioners.

WHEREAS it is expedient to provide for the registration of medical practitioners in the Presidency of Bombay; And whereas the previous sanction of the Governor-General required by section 5 of the Indian Councils Act, 1892,[2] has been obtained for the passing of this Act; It is hereby enacted as follows:—

Short title, extent and definition.

1. (*1*) This Act may be called the Bombay Medical Act, 1912.

(*2*) It extends to the whole of the Bombay Presidency.

(*3*) In this Act the expression "the Medical Acts" means the Medical Act, 1858, and any Acts amending the same.

Bombay Medical Council.

[3][2. (*1*) A Council, herein referred to as "the Medical Council", which shall be called "the Bombay Medical Council", shall be established for the Presidency of Bombay.

(*2*) The Medical Council shall consist of thirteen members registered under this Act who shall be appointed in the following manner, namely:—

(*a*) a President nominated by the [4][Provincial Government];

(*b*) six members nominated by the [4][Provincial Government];

(*c*) four members elected by the Doctors, Bachelors and Licentiates of Medicine, and the Masters, Bachelors and Licentiates of Surgery of the University of Bombay who are registered under this Act;

(*d*) two members elected by the medical practitioners who are registered under this Act, and who are not Graduates in Medicine or Surgery or Licentiates in Medicine or Licentiates in Medicine and Surgery of the University of Bombay.

(*3*) Elections of members shall be held at such time and place and in such manner as the Medical Council shall direct by rules or regulations made from time to time in this behalf.]

Tenure of office.

3. (*1*) The members of the Medical Council shall hold office for a term of five years, and shall be capable of re-appointment.

(*2*) Any member may at any time resign his appointment by letter addressed to the President of the Medical Council.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1911, Part VII page 389; for Report of Select Committee, *see ibid.*, 1912, Part VII, page 103; and for Proceedings in Council, *see ibid.*, 1912, Part VII, pages 45 and 189.

[2] *See* now the Government of India Act, 1935.

[3] Section 2 was substituted by s. 2 of the Bombay Medical (Amendment) Act, 1918 (Bom. 4 of 1918).

[4] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

(5) Upon the death or resignation of any member of the Medical Council, some other person shall be appointed a member of the Medical Council in his place by nomination or election, as the case may be, in accordance with the provisions of sub-section (2) of section 2, and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was nominated or elected.

(4) (a) Leave of absence from India may be granted by the Medical Council to any member thereof for a period not exceeding six months.

(b) If any member of the Medical Council leaves India without the leave of the Medical Council, or does not return to India within the period of the leave granted by the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

(c) In any case not provided for in clauses (a) and (b) if any member of the Medical Council shall absent himself from three consecutive meetings of the Medical Council, the Medical Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

Time and place of meeting of Council.

4. The Medical Council [1]* * * shall make such rules and regulations as may be necessary with respect to the times and places of the meeting of the Medical Council, and the mode of summoning the same. In the absence of any rule or regulation as to the summoning of a meeting of the Medical Council, it shall be lawful for the President to summon a meeting at such time and place as to him shall seem expedient by letter addressed to each member; and at every meeting, in the absence of the President, some other member, to be chosen from the members present, shall act as President; and all acts of the Medical Council shall be decided by the votes of the majority of the members present at any meeting, the whole number present not being less than eight, and at all such meetings the President for the time being shall, in addition to his vote as a member of the Medical Council, have a casting vote in case of any equality of votes.

Registrar and Officers.

5. (1) The Medical Council shall appoint a Registrar, and may from time to time grant leave to the Registrar and appoint a person to act in his place. Any order of the Medical Council appointing, granting leave to or dismissing a Registrar or appointing a person to act as Registrar shall be subject to the previous approval of the [2][Provincial Government]. The Registrar and any person appointed to act as Registrar shall be paid by the Medical Council such salary and allowances as they may from time to time determine. Any person duly appointed to act as Registrar shall be deemed to be Registrar for all the purposes of this Act.

(2) The Medical Council with the previous approval of the [2][Provincial Government] may appoint such other officers or clerks as may be necessary for the purposes of this Act.

(3) The Registrar and any other officer or clerk appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the [3]Indian Penal Code. XLV of 1860.

[1] The words "shall hold their first meeting within three months from the commencement of this Act, in such place and at such time as the Governor in Council shall appoint and" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. 4 of 1916).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] Central Acts.

Register.

6. The Registrar shall keep a register of medical practitioners in accordance with the provisions of this Act. The register shall be kept in such form as the [1][Provincial Government] from time to time directs. The name, residence and qualifications of every person who is registered under this Act shall be entered in the register with the date on which each qualification was granted. It shall be the duty of the Registrar under the orders of the Medical Council to keep the register correct and from time to time to enter any necessary alterations in the addresses of persons registered, and to enter any additional qualifications which any registered person may have obtained subsequent to his registration, and to erase the names of all registered persons who have died; provided that the [1][Provincial Government] may prescribe a fee for the entry of any additional qualification. To enable the Registrar duly to fulfil the duties imposed upon him it shall be lawful for him to write a letter to any registered person according to his address on the register to enquire whether he has ceased to practise or has changed his residence, and if no answer is returned to such letter within a period of six months from the sending of the letter, it shall be lawful to erase the name of such persons from the register: provided that the same may be restored by direction of the Medical Council if they think fit to make an order to that effect.

Persons entitled to be registered.

[2][7. (*1*) Every person for the time being registered under the Medical Acts shall be entitled to be registered under this Act free of charge on informing the Registrar of the date of his registration under the Medical Acts and giving a correct description of his qualifications with the dates on which they were granted.

[3][(*1-a*) Every person for the time being registered under any Act for the registration of medical practitioners in force in any other province in India with the Medical Council of such province shall, if reciprocity of registration has been arranged with such Council, be entitled, on production of his registration certificate, to have registered under this Act, free of charge, such qualifications entered in the said certificate as are registrable under this Act.]

(*2*) Every person who is possessed of any of the qualifications described in the Schedule to this Act (subject to the provisions of section 20) shall be entitled to be registered under this Act on payment of a fee of fifteen rupees, and on giving evidence to the satisfaction of the Registrar of his possession of a qualification fitting him for registration.

(*3*) The [1][Provincial Government] may, after consulting the Medical Council permit the registration of any person who was actually practising medicine in the Bombay Presidency before the 25th day of June 1912.

(*4*) The Medical Council may refuse to permit the registration of any person who has been convicted of a cognizable offence as defined in the [4]Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the [5]Army Act or under the [5]Indian Army Act, 1911, of an offence which is also a cognizable offence as so defined, or who after due enquiry has been held guilty by the Medical Council of infamous conduct in any professional respect.]

V of 1898. 44 & 45 Vict., c. 58. VIII of 1911.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] Section 7 was substituted by s. 3 of the Bombay Medical (Amendment) Act, 1916 (Bom. 3 of 1916).

[3] Sub-section (*1-a*) was inserted by Bom. 12 of 1929, s. 2.

[4] Central Acts.

[5] Collection of Statutes relating to India, Vol. I.

Appeals and erasure of incorrect entries.

8. (*1*) Any appeal against the decision of the Registrar respecting a first registration or any subsequent alteration shall be heard and determined by the Medical Council under regulations which shall be made by the Medical Council in this behalf.

(*2*) Any entry in the register which shall be proved to the satisfaction of the Medical Council to have been fraudulently or incorrectly made may be erased from the register under the orders of the Medical Council.

Removal from register.

9. The Medical Council may direct that the name of any medical practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, [1][or who, being or having been subject to military law, has been convicted under the [2]Army Act or under the [3]Indian Army Act, 1911, of an offence which is also a cognizable offence as so defined] or who after due enquiry has been held guilty by them of infamous conduct in any professional respect, shall be removed from the register, and may direct that any name so removed shall be re-entered.

V of 1898. 44 & 45 Vict., c. 58. VIII of 1911.

Qualified practitioners: certificates.

10. (*1*) [4]* * * The expression "legally qualified medical practitioner," or "duly qualified medical practitioner," or any words importing a person recognized by law as a medical practitioner or member of the medical profession, shall, in all [5][Bombay Acts] and in all [6][Central Acts] in their application to the Bombay Presidency, mean a medical practitioner registered either under the Medical Acts or under this Act.

(*2*) [4]* * * No certificate required by any Act from any medical practitioner or medical officer shall be valid unless the person signing the same shall have been registered under the Medical Acts or under this Act.

Unregistered persons not to hold certain appointments.

11. [7]* * * [8][Except with the special sanction of the [9][Provincial Government]] no person shall hold any appointment as a Physician, Surgeon or other Medical Officer in any dispensary, hospital, infirmary or lying-in-hospital, not supported entirely by voluntary contributions, or in any public establishment, body or institution, or as a Medical Officer of Health, unless he be registered under the Medical Acts or under this Act.

Notice of death.

12. Every Registrar of deaths on receiving notice of the death of a medical practitioner registered under this Act shall forthwith transmit by post to the Registrar appointed under this Act a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

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[1] These words and figures were inserted by s. 4 of the Bombay Medical (Amendment) Act, 1916 (Bom. 3 of 1916).

[2] Collection of Statutes relating to India Vol. I.

[3] Central Acts.

[4] The words "After the commencement of this Act" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. 4 of 1916).

[5] The words "Bombay Acts" were substituted for the words "Acts of the Governor of Bombay in Council" by the Adaptation of Indian Laws Order in Council.

[6] The words "Central Acts" were substituted for the words "Acts of the Governor-General in Council", *ibid.*

[7] The words "On the expiry of three months from the commencement of this Act" were repealed by s. 3 and Schedule of the Bombay Medical (Amendment) Act, 1916 (Bom. 4 of 1916).

[8] These words were inserted by s. 2, *ibid.*

[9] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

13. The Medical Council shall have authority to call on the governing body or authorities of any Medical College or School and on any examining body included in or desirous of being included in the Schedule— Medical Council authorised to call for information and attend examinations.

(*a*) to furnish such particulars as the Medical Council shall require of any course of study prescribed or examination held by such body or authority or in such School or College with reference to the grant of any medical or surgical qualification, and

(*b*) to permit any member of the Medical Council deputed by the Medical Council in this behalf to attend and be present at any such examination.

14. Notwithstanding anything in any other law for the time being in force, every person who shall be registered under this Act shall be exempt, if he so desires, from serving on any inquest. Exemption from serving on inquests.

15. There shall be paid to the members of the Medical Council such fees for attendance and such reasonable travelling expenses as shall from time to time be allowed by the Medical Council and approved by the [1][Provincial Government]. Fees payable to members.

16. All monies received by the Medical Council as fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the [1][Provincial Government]. Disposal of fees.

17. The Registrar shall in every year on or before a date to be fixed by the Medical Council cause to be printed and published a correct list of the names and qualifications of all persons for the time being entered in the register, and the dates when such qualifications were granted, in alphabetical order according to the surnames of the persons registered. Every Court shall presume that any person entered in such list is duly registered under this Act, and that any person who is not so entered is not registered. Annual Medical List.

18. Whoever falsely pretends to be registered under this Act or not being registered under this Act uses in connection with his name or title any words or letters representing that he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished on conviction by a Presidency Magistrate or a Magistrate of the first class with fine that may extend to three hundred rupees. Penalties.

19. (*1*) Subject to the provisions of this Act, the Medical Council may from time to time make rules and regulations generally to carry out the provisions of this Act : Rules and regulations.

Provided that no rules or regulations made by the Medical Council whether under this or under any of the foregoing sections of this Act shall have any force or effect unless the same shall have received the previous approval of the [1][Provincial Government].

(*2*) All rules and regulations made by the Medical Council under this Act shall, when the same have received the approval of the [1][Provincial Government], be published in the [2][*Official Gazette*].

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The "*Official Gazette*" were substituted for the words *Bombay Government Gazette*", *ibid.*

(3) It shall be lawful for the [1][Provincial Government], by notification in the [2][*Official Gazette*], to cancel any rule or regulation made under this Act.

Alteration in list of qualifications mentioned in the Schedule.

20. If it shall appear to the [1][Provincial Government], on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any of the Colleges or bodies conferring the qualifications described in the Schedule are not such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the [1][Provincial Government], on the report of the Medical Council or otherwise, that the course of study and examinations prescribed by any College or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the [1][Provincial Government] from time to time by notification in the [2][*Official Gazette*] to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly.

Control.

21. If at any time it shall appear to the [1][Provincial Government] that the Medical Council has failed to exercise or has exceeded or abused any power conferred upon it under this Act or has failed to perform any duty imposed upon it by this Act, the [1][Provincial Government] may notify the particulars of such default, excess or abuse to the Medical Council; and if the Medical Council fails to remedy such default, excess or abuse within such time as may be fixed by the [1][Provincial Government] in this behalf, the [1][Provincial Government] may for the purpose of remedying such default, excess or abuse cause any of the powers and duties of the Medical Council to be exercised and performed by such agency and for such period as [3][it] may think fit.

Saving for provisions of the Government of India Act, 1935.

[4][**22.** This Act has effect subject to the provisions of Chapter III[5] of Part V of the Government of India Act, 1935.]

THE SCHEDULE.

1. Doctor, Bachelor and Licentiate of Medicine, and Master, Bachelor and Licentiate of Surgery of the Universities of Bombay, Calcutta, Madras, Allahabad and Lahore.

[6][Fellow, Member and Licentiate of the College of Physicians and Surgeons of Bombay.

Fellow, Member and Licentiate of the State Medical Faculty of Bengal.]

[7][Licentiate and Apothecary of the Board of Examiners, Medical College,] Madras.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The word "it" was substituted for the word "he", *ibid.*

[4] Section 22 was inserted, *ibid.*

[5] Sections 111 to 121 contained in Chapter III of Part V of the Government of India Act, 1935, were omitted by the India (Provisional Constitution) Order, 1947.

[6] These qualifications were added by G. N., G. D., No. 6785, dated 12th October 1916.

[7] These qualifications were added by G. N., G. D., No. 89, dated 5th January 1918.

Licentiate of the State Board of Medical Examinations, United Provinces.

Licentiate of the Bihar and Orissa Medical Examination Board.

Licentiate of the Burma Medical Examination Board.]

[1][Licentiate of the Central Provinces Medical Examination Board.]

[2][Licentiate of the Assam Medical Examination Board.]

[3][Fellow, Member and Licentiate of the State Medical Faculty, Punjab.

Bachelor of Medicine and Bachelor of Surgery of the University of Lucknow.]

[4][Fellow, Member and Licentiate of the United Provinces State Medical Faculty.]

[5][Bachelor of Medicine and Bachelor of Surgery of the University of Rangoon.]

[6][Licentiate of Medicine and Surgery of the University of Rangoon.]

[7][Bachelor of Medicine and Bachelor of Surgery [8][of the Osmania University] and Licentiate of Medicine and Surgery [9][granted by His Exhalted Highness the Nizam's Government.]]

[10][Licentiate of Medicine and Surgery and Bachelor of Medicine and Bachelor of Surgery of the Andhra University.]

[11][Ayurvidya Visharad of the Tilak Maharshtra Vidyapeeth of Poona, during the years 1921 to 1935 (both inclusive).]

[12][Diplomas in Allopathy of the National Medical College [13][and the National College of Physicians and Surgeons of India], Calcutta, the College of Physicians and Surgeons of Calcutta and the International College of Physicians and Surgeons of India, Calcutta, during the years 1912 to 1916 (both inclusive).]

[14][Diploma of "L.M.P. (Bom.)" of the State Medical Faculty, Bombay.]

[15][Diploma of "D.M.S. (Madras)" of the Stanley Medical College, Madras.]

[16][Diploma of L.M.P. (Hyderabad) granted by His Exhalted Highness the Nizam's Government in or before the year 1932.]

*2. Any person trained in a Government Medical College or School [17][in India or Burma] who holds a diploma or certificate granted [18][by any Government in India or Burma] declaring him to be qualified to practise Medicine, Surgery and Midwifery, or to be qualified for the duties of a Military Assistant

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[1] This qualification was added by G. N., G. D., No. 3942, dated 7th June 1918.
[2] This qualification was added by G. N., G. D., No. 8398, dated 2nd December 1918.
[3] These qualifications were added by G. N., G. D., No. 814, dated 22nd November 1923.
[4] This qualification was added by G. N., G. D., No. 7275, dated 25th October 1928.
[5] This qualification was added by G. N., G. D., No. 9417, dated 1st December 1932.
[6] This qualification was added by G. N., G. D., No. 9417, dated 11th November 1935.
[7] This qualification was added by G. N., G. D., No. 9417, dated 30th March 1936.
[8] These words were inserted by G. N., G. D., No. 4867, dated 29th June 1946.
[9] These words were substituted for the words "of the Osmania University", *ibid.*
[10] This qualification was added by G. N., G. D., No. 2336/33, dated 6th May 1938.
[11] This qualification was added by G. N., G. D., No. 3020/33, dated 12th September 1939 and 23rd September 1939.
[12] This qualification was added by G. N., G. D., No. 7898, dated 6th November 1939.
[13] These words were inserted by G. N., G. D., No. 7898, dated 17th March 1941.
[14] This qualification was added by G. N., G. D., No. 4965/33, dated 31st December 1942.
[15] This qualification was added by G. N., G. D., No. 814, dated 23rd December 1948.
[16] This qualification was added by G. N., G. D., No. 4867, dated 9th April 1947.
[17] These words were inserted by the Adaptation of Indian Laws Order in Council.
[18] These words were substituted for the words "by Government" *ibid.*
* This paragraph is now subject to the provisions of the Indian Medical Degrees Act, 1916 (VII of 1916).

Surgeon, Hospital Assistant or Sub-Assistant Surgeon; [1][or any person who holds a diploma or certificate to the same effect, granted by the King Edward Hospital Medical School at Indore, or the Medical School, Hyderabad (Deccan).]

[2][Licensed Medical Practitioner, of the University of Mysore and, of the Mysore Medical school.]

[3][Bachelor of Medicine and Bachelor of Surgery of the University of Mysore.]

[4][3. Doctor, Bachelor and Licentiate of Medicine, Master, Bachelor and Licentiate of Surgery and Master in Obstetrics of the Universities of Oxford, Cambridge, London, Durham, Manchester, Birmingham, Liverpool, Leeds, Edinburgh, Aberdeen, Glasgow, St. Andrews, and Dublin, the Royal University of Ireland, and the Universities of Adelaide, Malta, Melbourne, New-Zealand, Sydney, Dalhousie, McGill, Laval, and Hongkong.

Doctor and Bachelor of Medicine, and Master and Bachelor of Surgery of the Universities of Sheffield, Bristol and Wales, the National University of Ireland and the Queen's University of Belfast.

Fellow, Member and Licentiate of the Royal Colleges of Physicians of London, Edinburgh and Ireland.

Fellow, Member and Licentiate of the Royal Colleges of Surgeons of England, Edinburgh and Ireland.

Licentiate of the Apothecaries' Society of London, Fellow and Licentiate of the Royal Faculty of Physicians and Surgeons of Glasgow, Licentiate of the Apothecaries' Hall of Dublin, Licentiate of Medicine and Surgery of the Medical College of Ceylon, the Nova Scotia Provincial Medical Board, and the Prince Edward Island Medical Council, the New Brunswick Provincial Council of Physicians and Surgeons, and the Newfoundland Medical Board [5][and the King Edward VII Medical School, Singapore.]

Member of the College of Physicians and Surgeons of Ontario, Canada.]

[6][Doctor of Medicine of the College of Physicians and Surgeons, Columbia University, New York, United States of America.

Doctor of Medicine, University of Pennsylvania.

Doctor of Medicine, Stanford University.]

[7][Diploma of Licentiate of the Medico-Surgical College of Nova-Goa (Portuguese India).]

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[1] This portion was added by G. N., G. D., No. 6785, dated 12th October 1916.

[2] This qualification was added by G. N., G. D., No. 814, dated 24th October 1928, as amended by G. N., G. D., No. 814, dated 6th April 1932.

[3] This qualification was added by G. N., G. D., No. 814, dated 20th May 1932.

[4] This paragraph was added by G. N., G. D., No. 6785, dated 12th October 1916.

[5] This portion was added by G. N., G. D., No. 8329, dated the 28th November 1918.

[6] These qualifications were added by G. N., G. D., No. 11860, dated 27th November 1920.

[7] This qualification was added by G. N., G. D., No. 814, dated 10th January 1923.

Note.—Apart from the qualifications mentioned above, the recognised medical qualifications given in the First and the Second Schedules to the Indian Medical Council Act, 1933 (XXVII of 1933), are sufficient for enrolment on any Provincial Medical Register, according to section 12 of that Act.

THE BOMBAY SMOKE-NUISANCES ACT, 1912.

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BOMBAY ACT No. VII OF 1912.[1]

[THE BOMBAY SMOKE-NUISANCES ACT, 1912].

[*27th June 1912.*]

Repealed in part by Act 8 of 1920.
Amended by Bom. 10 of 1924;
" " " 10 of 1929;
" " " 8 of 1935.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
*Amended by Bom. 17 of 1945.

An Act for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency.

WHEREAS it is expedient to enact a law for the abatement of nuisances arising from the smoke of furnaces in the Town and Island of Bombay and to provide for the extension thereof to other areas in the Bombay Presidency; It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Bombay Smoke-nuisances Act, 1912.

(*2*) It extends in the first instance to [2][the Greater Bombay.]

Power further to extend Act.

2. (*1*) [3][The Provincial Government] may, by notification published in the [4][*Official Gazette*] and in such other manner as [3][the Provincial Government] may determine, declare its intention to extend this Act to any specified area in the Bombay Presidency other than the Town and Island of Bombay :

Provided that, if a military cantonment is situated within any area to which it is proposed to extend this Act, no notification shall be published under this sub-section in respect of such area without the previous sanction of the [5][Central Government].

(*2*) Any inhabitant of an area to which it is proposed to extend this Act may, if he objects to such extension, submit his objection in writing to [3][the Provincial Government] within a period of three months from the publication of the said notification in the [4][*Official Gazette*].

(*3*) At any time after the expiration of the said period, and after considering the objections, if any, submitted under sub-section (*2*), [3][the Provincial Government] may, by notification in the [4][*Official Gazette*], extend this Act to the said area.

Definitions.

3. In this Act—

(*1*) "furnace" means any furnace or fire-place used—

(*a*) for working engines by steam, or

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1911, Part VII, page 383; for Report of Select Committee, *see ibid.*, 1912, Part VII, page 94; and for proceedings in Council, *see ibid.*, 1912, Part VII, pages 42 and 231.

[2] These words were substituted for the original by Bom. 17 of 1945 s. 9 Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[5] The words "Central Government" were substituted for the words "Governor-General in Council", *ibid.*

* This Act has been repealed and re-enacted and the amendments made by section 9 and Schedule E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

(*b*) for any other purpose whatsoever :

Provided that no furnace or fire-place—

(*i*) used for the burning of the dead ;

(*ii*) used in a private house for domestic purposes other than the purpose specified in clause (*a*) ;

[1]* * * * * *

shall be deemed to be a furnace or fire-place within the meaning of this Act.

[2][(*1A*) "flue" or "chimney" means any "flue" or "chimney" joined to, connected with or forming part of a furnace.]

(*2*) "Inspector" means a Chief Inspector of Smoke-nuisances, or an Assistant Inspector of Smoke-nuisances, appointed under this Act ;

(*3*) "the Commission" means the Bombay Smoke-nuisances Commission constituted under this Act ;

(*4*) "occupier" means any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used ;

(*5*) "owner"—

(*a*) when used in reference to a furnace, [3][flue or chimney], includes any agent or lessee using the furnace, [3][flue or chimney], and any foreman or other person superintending the working of the furnace [3][flue or chimney] ;

(*b*) when used in reference to any premises, has the meaning assigned to it in section 3 of the City of Bombay Municipal Act, 1888 ; and

Bom. III of 1888.

(*6*) "Magistrate" means a Presidency Magistrate, a Magistrate of the first class, or a Bench of Magistrates exercising first class powers under the Code of Criminal Procedure, 1898.

Constitution of Commission.

4. (*1*) [4][The Provincial Government] shall, by notification in the [5][*Official Gazette*], constitute a Commission, to be called the Bombay Smoke-nuisances Commission, to supervise and control the working of this Act.

(*2*) The said Commission shall consist of a President nominated by [4][the Provincial Government] and so many other members as [4][the Provincial Government] may determine.

(*3*) One-half of the members (exclusive of the President) shall be nominated by [4][the Provincial Government] ; and the remainder shall be elected, in such manner and for such period as [4][the Provincial Government] may direct, by bodies or associations whose interests are likely to be affected by this Act ; and the appointment of all members, whether nominated or elected, shall be notified in the [5][*Official Gazette*].

(*4*) Where a casual vacancy occurs in the case of a nominated member [4][the Provincial Government] shall make a fresh nomination, and where a casual vacancy occurs in the case of an elected member the election shall be made by the same body or association as that which elected, the member whose place is to be filled ; and a member so nominated or elected shall hold office so long as the member whose place he fills would have been entitled to hold office had the vacancy not occurred.

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[1] Clause (*iii*) was repealed by s. 2 of the Bombay Smoke-nuisance (Amendment) Act, 1920 (Bom. 8 of 1920).

[2] Sub-section (*1A*) was inserted by Bom. 10 of 1929, s. 2 (*1*).

[3] The words "flue or chimney" were inserted, *ibid.*, s. 2 (*2*).

[4] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

(*5*) No act done by the Commission shall be questioned on the ground merely of the existence of any vacancy in or any defect in the constitution of the Commission.

Appointment of Inspectors.

5. (*1*) [1][The Provincial Government] may, by notification in the [2][*Official Gazette*], appoint a Chief Inspector of Smoke-nuisances and so many Assistant Inspectors of Smoke-nuisances as they may think fit.

(*2*) Every Assistant Inspector appointed under sub-section (*1*) shall be subordinate to the Chief Inspector, and all Inspectors shall be subordinate to, and subject to the control of, the Commission.

Inspectors to be public servants.

6. Every Inspector appointed under this Act shall, for the purposes of this Act, be deemed to be a public servant within the meaning of the [3]Indian Penal Code. XLV of 1860.

Power to prohibit the erection of kilns or furnaces, or the manufacture of coke, in specified areas; and to inflict penalties.

7. (*1*) [1][The Provincial Government] may, by notification in the [2][*Official Gazette*], prohibit within any specified area—

(*a*) the erection of brick, tile or lime kilns,

(*b*) the erection of furnaces to be used for the calcining or smelting of ores or minerals, or for the casting, puddling or rolling of iron or other metals or for the conversion of pig-iron into wrought iron, or

(*c*) the manufacture of coke in ovens or with special appliances, or

(*d*) the making of coke without ovens or special appliances:

Provided that where, prior to the issue of such notification, a licence has been granted by the Municipal Commissioner under the provisions of section 394 of the City of Bombay Municipal Act, 1888, for the erection of a furnace to be used for any of the purposes mentioned in clauses (*a*) and (*b*), such notification shall not affect such furnace or kiln. Bom. III of 1888.

(*2*) If any furnace or kiln be erected in contravention of any notification issued under sub-section (*1*), clause (*a*) or (*b*), the owner thereof shall be liable to fine which may extend to two hundred and fifty rupees.

(*3*) If any person manufactures coke in contravention of any notification issued under sub-section (*1*), clause (*c*), he shall be liable to fine which may extend on first conviction to two hundred and fifty rupees, and on any subsequent conviction to five hundred rupees.

(*4*) If any person makes coke in contravention of any notification issued under sub-section (*1*), clause (*d*), he shall be liable to fine which may extend on first conviction to twenty-five rupees, and on any subsequent conviction to fifty rupees.

(*5*) If any coke is made in any building or place in contravention of a notification issued under sub-section (*1*), clause (*d*), the owner or occupier of such building or place shall be liable to fine which may extend on first conviction to twenty-five rupees, and on any subsequent conviction to fifty rupees.

(*6*) Where any coal is in process of being made or has been made into coke in contravention of a notification issued under sub-section (*1*), clause (*d*), an Inspector may seize such coal or coke, and report the seizure to a Magistrate who may, after such enquiry as he thinks necessary, order such coke or coal to be confiscated, and to be sold in accordance with rules to be made by [1][the Provincial Government] in this behalf under section 11.

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[1] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] Central Acts.

Power to order demolition of kilns or furnaces unlawfully erected.

8. (*1*) A Magistrate imposing a fine on any person under sub-section (*2*) of section 7 may by order direct such person to demolish the kiln or furnace within a period to be specified in the order.

(*2*) Any such person failing to demolish any kiln or furnace within the period prescribed in any such order, or within such longer period as the Magistrate may, for reasons to be stated, allow, shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues.

Penalty for excessive emission of smoke.

9. (*1*) If smoke be emitted from any furnace in greater density, or at a lower altitude, or for a longer time, than is permitted by rules made under this Act, the owner of the furnace shall be liable to fine which may extend on first conviction to fifty rupees, on second conviction to one hundred rupees, and on any subsequent conviction to two hundred rupees.

(*2*) Sub-section (*1*) shall not apply to any furnace which is used—

(*a*) in connection with a brick, tile or lime kiln, or

(*b*) for the purpose mentioned in clause (*d*) of sub-section (*1*) of section 7.

No furnace, etc., to be erected unless plans are approved by Commission.

[1][**9A.** (*1*) No furnace, flue or chimney shall be erected, altered, added to or re-erected except in accordance with plans approved by the Commission.

(*2*) If any furnace, flue or chimney is erected, altered, added to or re-erected in contravention of the provisions of sub-section (*1*), the owner of such furnace, flue or chimney shall be liable to fine which may extend to one hundred rupees; and, if any such furnace, flue or chimney is used without the permission of the Commission, to a further fine not exceeding twenty rupees for every day during which such use continues.]

Power to order demolition of furnace, flue or chimney unlawfully erected.

[1][**9B.** (*1*) A Magistrate imposing a fine on any person under sub-section (*2*) of section 9A may, by order, direct such person to demolish the furnace, flue or chimney within a period to be specified in the order.

(*2*) Any such person failing to demolish any furnace, flue or chimney within the period specified in the order, or within such longer period as the Magistrate may, for reasons to be stated, allow, shall be liable to fine which may extend to twenty rupees for every day thereafter during which such failure continues.]

Powers of Inspectors.

10. (*1*) Any Inspector may, after giving reasonable notice in writing to the owner, manager, engineer or person in charge—

(*a*) enter and inspect, during working hours, any building or place which contains a furnace, [2][flue or chimney], and inspect such furnace, [2][flue or chimney];

(*b*) under the written authority of the Commission, use and test any appliance used for preventing the emission of smoke from such furnace, [2][flue or chimney]; and

(*c*) under the written authority of the Commission, direct that any such furnace [2][flue or chimney] be worked [3]* * experimentally, during his visit to such building or place, in any manner which he may consider suitable for preventing or reducing the emission of smoke, but not so as to interfere with the business carried on in such building or place further than is necessary for the purposes of the experiment.

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[1] Sections 9A and 9B were inserted by Bom. 10 of 1929, s. 3.

[2] The words "flue or chimney" were inserted, *ibid.*, s. 4 (*a*).

[3] The words "or stoked" were omitted, *ibid.*, s. 4 (*b*).

(2) If any owner of a furnace, [1][flue or chimney] in respect of which a direction is given under clause (c) of sub-section (1) fails to secure compliance with such direction, he shall be liable to fine which may extend to one hundred rupees:

Provided that where any Inspector has reason to believe that any offence under sub-section (2), (3) or (4) of section 7 has been or is being committed on any premises it shall be lawful for him to enter on such premises without previous notice and without written authority from the Commission.

Rules.

11. (1) [2][The Provincial Government] may, [3]* * * * after previous publication, make rules to carry out the objects of this Act.

(2) In particular, and without prejudice to the generality of sub-section (1), such rules may—

(a) regulate the transaction of business by the Commission;

(b) prescribe the powers and duties to be exercised and performed by the Commission and by Inspectors, respectively, and regulate the exercise and performance of those powers and duties;

(c) prescribe a scale for the purpose of determining the density of smoke;

(d) prescribe the degree of density of smoke that may be emitted from a furnace;

(e) prescribe the time during which smoke of such density may be emitted from a furnace;

(f) prescribe the altitude below which smoke may not be emitted from a furnace;

[4]* * * * * * *

(h) prescribe a procedure for the giving of warning to offenders before instituting a prosecution under this Act, and declare the minimum period which should be allowed to elapse in different classes of cases between the giving of such warning and the institution of a prosecution;

[5][(hh) prescribe the procedure regarding the submission and approval of plan under sub-section (1) of section 9A.]

(i) fix the amount of fee payable to each or any member of the Commission attending a meeting of the Commission; and

(j) prescribe a procedure for the sale and disposal of the receipts of the sale of coke or coal confiscated under sub-section (6) of section 7.

Bom. I of 1904.

(3) The date to be specified in accordance with clause (c) of section 24 of the Bombay General Clauses Act, 1904, as that after which a draft of rules proposed to be made under this section will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(4) Any rule to be made under this Act shall, before it is published for criticism under sub-section (1), be referred to the Commission constituted under section 4, and the rule shall not be so published until the said Commission has reported as to the expediency of making the proposed rule and as to the suitability of its provisions.

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[1] The words "flue or chimney" were inserted by Bom. 10 of 1929, s. 4 (a).

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "with the previous sanction of the Governor-General in Council and" were repealed by s. 3 of the Bombay Smoke-nuisances (Amendment) Act, 1920 (Bom 8 of 1920).

[4] Clause (g) was repealed, *ibid.*

[5] Clause (hh) was inserted by Bom. 10 of 1929, s. 5.

Cognizance of offences.

12. A Magistrate may take cognizance of an offence against this Act only—

(*a*) upon a complaint made by, [1][an inspector with the previous sanction of the Commission or of a sub-committee appointed by the Commission], and

(*b*) within a period of two months from the date of the commission of the offence.

Exercise of the powers of the Commission by the President or any member authorized by the President.

[2][**12A.** (*1*) The President of the Commission or in the event of the illness or absence of the President from Bombay any member of the Commission authorized in writing by the President in this behalf may exercise the powers of the Commission under sections 9A, 10 and 12.

(*2*) The President or member authorized under sub-section (*1*) shall report to the Commission before its next ordinary meeting any action taken by him in the exercise of the powers under section 9A, 10 or 12.]

13. [*Disposal of fines.*] *Omitted by the Adaptation of Indian Laws Order in Council.*

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[1] These words were substituted for the words " or with the written authority of, the Chief Inspector ", by Bom. 10 of 1924, s. 2.

[2] Section 12A was inserted by Bom. 8 of 1935, s. 2.

BOMBAY ACT No. XII OF 1912.[1]

[THE BOMBAY ABKARI (AMENDMENT) ACT, 1912.]

[*7th September 1912.*]

An Act further to amend the Bombay Abkari Act, 1878.[2]

Bom. V of 1878.

WHEREAS it is expedient further to amend the Bombay Abkari Act, 1878, in manner hereinafter appearing;

And whereas the previous sanction of the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:—

1-41. [*Amendments made by sections 1 to 41 have been incorporated in the principal Act.*]

XVI of 1863.

42. "The Excise (Spirits) Act, 1863," shall be repealed as to the Presidency of Bombay. **Local repeal of Act XVI of 1863.**

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1912, Part VII, page 127; for Report of Select Committee, *see ibid.*, 1912, Part VII, page 405; and for Proceedings in Council *see ibid.*, 1912, Part VII, pages 259, 500 and 664. The short title was given by Bom. 2 of 1921.

[2] This Act except section 29A has been repealed by Bom. 25 of 1949.

THE INDIAN LIMITATION (AMENDMENT) ACT, 1912.

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PREAMBLE.

Sections.

1. Short title.
2. Amendment of section 31.
3. Applicability of section 4 of the Indian Limitation Act, 1908.
4. Retrospective effect of section 3.
5. Provision for restoration of suits.
6. Provision for restoration of applications.
7. Third parties protected.

BOMBAY ACT No. XIII OF 1912.[1]

[THE INDIAN LIMITATION (AMENDMENT) ACT, 1912.]

[*29th November 1912.*]

An Act to amend the Indian Limitation Act, 1908.

IX of 1908. WHEREAS it is expedient to amend the [2]Indian Limitation Act, 1908, in the manner hereinafter appearing :

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [3]Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Indian Limitation (Amendment) Act, 1912.

Amendment of section 31.

2. Notwithstanding anything contained in the [2]Indian Limitation Act, 1908, hereinafter called "the said Act", in computing the period of two years mentioned in section 31 of the said Act in the case of any suit by a mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the [4]Dekkhan Agriculturists' Relief Act, 1879, is required the time intervening between the application made by the mortgagee under section 39 of the last mentioned Act, and the institution of such suit shall be excluded, provided that such suit has already been instituted, or is instituted within six months from the commencement of this Act ; and no such suit shall be dismissed on the ground that the certificate was not obtained within the year immediately preceding the filing of the suit.

IX of 1908. XVII of 1879.

Applicability of section 4 of the Indian Limitation Act, 1908.

3. The period of two years mentioned in section 31 of the said Act shall for the purposes of this Act be deemed to be a period of limitation within the meaning of section 4 of the said Act.

Retrospective effect of section 3.

4. The provisions of section 3 shall be deemed to have come into operation from the seventh day of August, 1908.

Provision for restoration of suits.

5. (*1*) Where the claim of a mortgagee for foreclosure or for sale for which a certificate granted under section 46 of the [4]Dekkhan Agriculturists' Relief Act, 1879, is required has been wholly or in part dismissed or withdrawn after the seventh day of August, 1910, and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided is satisfied that such claim was so dismissed or withdrawn on the ground that—

XVII of 1879.

(*a*) the time intervening between the application made by the mortgagee under section 39 of the [4]Dekkhan Agriculturists' Relief Act, 1879, and the grant of the certificate under section 46 of the last mentioned Act or the institution of the suit, as the case may be, could not be excluded in computing the period of two years mentioned in section 31 of the said Act, or

XVII of 1879.

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[1] For Statement of Object and Reasons, *see Bombay Government Gazette*, 1912, Part VII, page 536 ; and for Proceedings in Council, *see ibid.*, 1912, Part VII, pages 787 and 866.

[2] Central Acts.

[3] *See* now the Government of India Act, 1935.

[4] *See Supra.*

(*b*) the certificate was not obtained within the year immediately preceding the filing of the suit, or

(*c*) the period of two years mentioned in section 31 of the said Act was not a period of limitation within the meaning of section 4 of the said Act,

the case shall be restored on an application in writing to the Court, by which the claim was dismissed or in which it was withdrawn; provided that such application is made within six months from the commencement of this Act.

(*2*) Where any such claim as aforesaid has been dismissed for failure to prosecute such claim after the seventh day of August, 1910, and before the commencement of this Act either in a Court of first instance or of appeal or of revision, and the Court on application made as hereinafter provided is satisfied that such failure was due to the belief that such claim, if prosecuted, would be dismissed for any of the grounds specified in clauses (*a*), (*b*) and (*c*) of sub-section (*1*),

the case shall be restored on an application in writing to the Court by which the claim was dismissed; provided that such application is made within six months from the commencement of this Act.

(*3*) The provisions of sections 2, 3 and 4 shall apply to any case restored under either of the foregoing sub-sections.

Provision for restoration of applications.

6. Any application by the mortgagee under section 39 of the Dekkhan Agriculturists' Relief Act, 1879, in respect of any claim for sale or foreclosure as to which the mortgagee was entitled to the benefit of the two years' period mentioned in section 31 of the said Act, made on or before the eighth day of August, 1910, and dismissed after the twenty-third day of February, 1911, shall be restored to the file of the Conciliator provided that the application for such restoration is made within two months from the commencement of this Act. XVII of 1879.

Third parties protected.

7. Nothing in this Act shall affect the interests of third parties that may have come into existence between the twenty-third of February, 1911, and the twenty-eighth of September, 1912.

BOMBAY ACT No. IV OF 1913.[1]

[THE BOMBAY LAND REVENUE (AMENDMENT) ACT, 1913.]

[*28th May 1913.*]

An Act to amend the Bombay Land Revenue Code, 1879, the Khoti Settlement Act, 1880, and the Gujarat Talukdars Act, 1888, and to repeal the Bombay Land Record-of-rights Act, 1903.

Bom. V of 1879. Bom. I of 1880. Bom. VI of 1888. Bom. IV of 1903.

WHEREAS it is expedient to amend the Bombay Land Revenue Code, 1879, the Khoti Settlement Act, 1880, and the Gujarat Talukdars Act, 1888, in manner hereinafter appearing, and to repeal the Bombay Land Record-of-rights Act, 1903;

And whereas the previous sanction of the Governor General required by section 5 of the [2]Indian Councils Act, 1892, has been obtained for the passing of section 41 of this Act; It is hereby enacted as follows:—

PART I.

GENERAL.

1. This Act may be called the Bombay Land Revenue (Amendment) Act, 1913. Short title.

Bom. IV of 1903.

2. The Bombay Land Record-of-rights Act, 1903, shall be repealed. Repeal.

3. Wherever this Act amends an enactment which has previously been amended by an Act passed before the commencement of this Act, then any of the provisions of such previous amending Act which may be inconsistent with any of the provisions of this Act shall be repealed to the extent to which they are inconsistent therewith. Previous amending Acts.

4-94. [*Amendments made by sections 4 to 94 both inclusive have been incorporated in the Bombay Land Revenue Code, 1879, the Khoti Settlement Act, 1880, and the Gujarat Talukdars Act, 1888.*]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1912, Part VII, page 905; for Report of Select Committee, *see ibid.*, 1913, Part VII, page 28; and for Proceedings in Council, *see ibid.*, 1913, Part VII, pages 56 and 134.

[2] *See* now the Government of India Act, 1935.

BOMBAY ACT No. VII OF 1913.[1]

[THE PRINCE OF WALES MUSEUM (AMENDING) ACT, 1913.]

[*4th October 1913.*]

An Act to amend the Prince of Wales Museum Act, 1909.

Bom. III of 1909.

WHEREAS it is expedient to amend the [2]Prince of Wales Museum Act, 1909, in the manner hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Prince of Wales Museum (Amending) Act, 1913.

Amendment of schedule.

2. From the area comprised in the schedule to the Prince of Wales Museum Act, 1909 (hereinafter referred to as " the said Act "), the following area shall be excluded, namely :—

All that piece or parcel of land containing by admeasurement 359·52 square yards, be the same a little more or less, of which 275·57 square yards are contained between the outer side of the curve at the North-East angle of the boundary of the site of the Prince of Wales Museum of Western India and lines tangential to the extremeties of the said curve, and the remaining area amounting to 83·95 square yards is contained in an irregular figure projecting outwards from the tangential line of the said curve which runs more or less parallel to Apollo Street, the whole of the said piece or parcel of land with the boundaries thereof being delineated for greater clearness on a plan signed by the Executive Engineer, Presidency District, and a majority of the Trustees of the Prince of Wales Museum of Western India and deposited with the Secretary to Government in the General Department.

Property excluded from schedule to revest in His Majesty.

3. All the estate, right, title and interest of the Trustees of the Prince of Wales Museum of Western India in and to the area excluded from the schedule to the said Act by the last preceding section shall vest in His Majesty.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1913, Part VII, page 107; and for Proceedings in Council, *see ibid.*, 1913, Part VII, page 533.

[2] *Supra.*

THE BOMBAY TOWN PLANNING ACT, 1915.

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BOMBAY ACT No. I OF 1915.[1]

[THE BOMBAY TOWN PLANNING ACT, 1915.]

[*6th March 1915.*]

Repealed in part and amended by Bom. 2 of 1919.

Amended by Bom. 13 of 1920 ;
" " " 16 of 1920.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 21 of 1938 ;
" " " 4 of 1942 ;*
" " " 14 of 1946 ;
" " " 55 of 1948 ;
" " " 69 of 1948 ;
" " " 13 of 1949.

An Act to provide for the making and execution of town planning schemes.

WHEREAS it is expedient that the development of certain areas should be regulated with the general object of securing proper sanitary conditions, amenity and convenience to the persons living in such areas and in neighbouring areas ;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [2]Indian Councils Act, 1892, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Bombay Town Planning Act, 1915.

[3][(*2*) It shall extend to the whole of the Province of Bombay except the City of Bombay.

(*3*) The Provincial Government may, on a written application of the Municipal Corporation of the City of Bombay, extend by notification in the *Official Gazette*, this Act to the City of Bombay or any part thereof, from such date as may be appointed in this behalf :

Provided that such application has been made after it has been assented to by more than half the total number of the councillors of the Corporation.]

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1913, Part VII, page 845 ; for Report of Select Committee, *see ibid.*, 1914, Part VII, page 510 ; and for Proceedings in Council, *see ibid.*, 1914, Part VII, page 78 ; *ibid.*, 1915, page 11.

[2] *See* now the Government of India Act, 1935.

[3] Sub-sections (*2*) and (*3*) were substituted for the original sub-section (*2*) by Bom. 21 of 1938, s. 2.

* This Act was repealed and s. 2 thereof was re-enacted by Bom. 23 of 1947, s. 2.

Interpretation-clause.

2. In this Act, unless there is anything repugnant in the subject or context :—

(*a*) "local authority" means a Municipality or, where there is no Municipality, a committee appointed for a notified area under the provisions of Chapter XIV of the Bombay District Municipal Act, 1901, as modified by this Act [1][or a panchayat established under the Bombay Village Panchayats Act, 1933.] Bom. III of 1901. Bom. VI of 1933.

(*b*) "prescribed" means prescribed by rules made under this Act;

(*c*) "owner" includes an owner in severalty, in common or joint; and includes also an occupant as defined in clause (*16*) of section 3 of the Bombay Land Revenue Code, 1879; Bom. V of 1879.

(*d*) "plot" means a continuous portion of land held in one ownership; [2]* *

(*e*) "reconstituted plot" means a plot which is in any way altered by the making of a town-planning scheme. [3]* *

Explanation.—"Altered" includes alteration of ownership.

(*f*) "scheme" includes a plan relating to a town-planning scheme.

Contents of planning scheme.

3. A town-planning scheme may make provision for any of the following matters :—

(*a*) the construction, diversion, alteration and stopping up of streets, roads and communications;

(*b*) the construction, alteration, and removal of buildings, bridges and other structures;

(*c*) the plotting out of land as building sites whether such land is intended to be used for building purposes in the immediate future or not;

(*d*) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and public purposes of all kinds;

(*e*) drainage inclusive of sewerage and of surface drainage and sewage disposal;

(*f*) lighting;

(*g*) water supply;

(*h*) the preservation of objects of historical interest or natural beauty and of buildings actually used for religious purposes or regarded by the public with special religious veneration;

(*i*) the imposition of conditions and restrictions in regard to the open space to be maintained about buildings, the number, height and character of buildings allowed in specified areas and the purposes to which buildings or specified areas may or may not be appropriated;

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[1] These words and figures were added by Bom. 55 of 1948, s. 2.

[2] The words "other than land used, allotted or reserved for any public or municipal purpose" were deleted by Bom. 21 of 1938, s. 3 (*a*).

[3] The words "otherwise than by the severance of land used, allotted or reserved for any public or municipal purpose" were deleted, *ibid.*, s. 3 (*b*).

(*j*) the suspension so far as may be necessary for the proper carrying out of the scheme, of any rule having the force of law, bye-law, Act, or other provision [1]* * * which is in force in the area included in the scheme :

[2][Provided that it shall not be lawful to suspend in any such area any Act of Parliament or, [3][any Indian law relating to any of the matters enumerated in List I in the Seventh Schedule to the Government of India Act, 1935].]

(*k*) such other matter not inconsistent with the objects of this Act as may be prescribed.

Disputed ownership.

4. (*1*) Where there is a disputed claim as to the ownership of any peice of land included in an area in respect of which [4][the local authority has declared, under section 9, its intention to make a town planning scheme] and any entry in the record-of-rights or mutation register relevant to such disputed claim is inaccurate or inconclusive, an enquiry may be held [5][on an application being made by the local authority or the Arbitrator at any time prior to the date on which the Arbitrator draws up the final scheme under clause 10 of section 30] by such officer as the [6][Provincial Government] in the City of Bombay or the Commissioner elsewhere may appoint for the purpose of deciding who shall be deemed to be the owner for the purposes of this Act.

(*2*) Such decision shall not be subject to appeal but it shall not operate as a bar to a regular suit.

(*3*) Such decision shall, in the event of a Civil Court passing a decree which is inconsistent therewith, be corrected, modified or rescinded in accordance with such decree as soon as practicable after such decree has been brought to the notice of the local authority either by the Civil Court or by some person affected by such decree.

Right of entry.

5. For the purpose of the preparation, making, or execution of any town-planning scheme any person authorized by the local authority or any public servant or person duly appointed or authorised under his Act may, after giving such notice as may be prescribed to the owner, occupier or other person interested, in any land, enter upon, survey and mark out such land and do all acts necessary for such purpose.

Powers of local authority to borrow money and to make and execute a town-planning scheme.

6. (*1*) A local authority as defined in this Act shall be deemed to be a local authority as defined in the [7]Local Authorities Loans Act, 1914, for the purpose of borrowing money under that Act, and the making and execution of a town-planning scheme shall be deemed to be a work which such local authority is legally authorised to carry out.

IX of 1914.

(*2*) Any expenses incurred by a local authority under this Act or any town-planning scheme made thereunder may be defrayed out of its funds.

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[1] The words "under whatever authority made" were repealed by section 3 and Schedule II of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[2] This proviso was added by section 2 and Schedule I, Part II, *ibid.*

[3] These words were substituted for the words "without the sanction of the Governor-General, any Act of the Governor-General in Council" by the Adaptation of Indian Laws Order in Council.

[4] These words and figure were substituted for the words "any of the provisions of this Act are to be applied" by Bom. 21 of 1938, s. 4 (*1*).

[5] These words and figures were added, *ibid.*, s. 4 (*2*).

[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[7] Central Acts.

Notified areas.

7. Notwithstanding anything contained in sub-section (*3*) of section 187 of the Bombay District Municipal Act, 1901, the [1][Provincial Government] may declare any specified area, for which it is proposed to make a town-planning scheme, to be a notified area. Bom. III of 1901.

CHAPTER II.

Declaration of Intention to make a Scheme and Preparation of Draft Scheme.

Land in respec of which a town-planning scheme may be made.

8. (*1*) A town-planning sheme may be made in accordance with the provisions of this Act in respect of any land which is in course of development or is likely to be used for building purposes.

(*2*) Where it appears to the [1][Provincial Government] that a piece of land already built upon, or a piece of land not likely to be used for building purposes is so situated with respect to any land which is in course of development or likely to be used for building purposes that it ought to be included in any town-planning scheme intended to be made with respect to the last-mentioned land, the [1][Provincial Government] may sanction the making of a scheme including such piece of land as aforesaid, and providing for the demolition or alteration of any buildings thereon so far as may be necessary for carrying the scheme into effect.

(*3*) The expression "land likely to be used for building purposes" shall include any land likely to be used as, or for the purpose of providing, open spaces, roads, streets, parks, pleasure or recreation grounds, or for the purpose of executing any work upon or under the land incidental to a town-planning scheme, whether in the nature of a building work or not, and the decision of the [1][Provincial Government] as to whether land is likely to be used for building purposes or not shall be final.

No town-planning schemes for areas for which housing schemes sanctioned under Bom. LXIX of 1948.

[2][**8A.** Notwithstanding anything contained in this Act, no town planning scheme shall be made for any area for which a housing scheme has been sanctioned under the provisions of the Bombay Housing Board Act, 1948.] Bom. LXIX of 1948.

Powers of a local authority to resolve on a declaration of intention to make a scheme and of the Provincial Government to sanction such declaration.

9. (*1*) The local authority having jurisdiction over any such land as is referred to in section 8 may by resolution declare its intention to make a town-planning scheme in respect of the whole or any part of such land and of any land which is in the vicinity of such land, but which is not included [3][in the area over which any other local authority has jurisdiction] provided that for the making of such scheme the sanction of the [1][Provincial Government] shall be necessary.

(*2*) Within twenty-one days from the date of such declaration (hereinafter referred to as a declaration of intention to make a scheme), the local authority shall despatch a copy thereof for publication in the [4][*Official Gazette*] and shall publish it in the prescribed manner and shall apply to the [1][Provincial Government] for sanction for the making of such scheme.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This section was inserted by Bom. 69 of 1948, s. 75, Sch.

[3] These words were substituted for the original by Bom. 55 of 1948, s. 3.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

(*3*) With its application for such sanction the local authoity shall send to the [1][Provincial Government] a plan showing the area which it proposes to include in the town-planning scheme and the surrounding lands.

(*4*) A copy of such plan shall be open to the inspection of the public at all reasonable hours at the head office of the local authority.

(*5*) If within one month from the date of such publication in the [2][*Official Gazette*] any person likely to be affected by such scheme communicates in writing to the [1][Provincial Government] any objection or suggestion relating to such scheme the [1][Provincial Government] shall consider such objection or suggestion.

(*6*) After receiving such application and after making such inquiry as [3][it] may think fit, the [1][Provincial Government] may, by notification in the [2][*Official Gazette*], either sanction the making of such scheme with or without modifications and subject to such conditions as [3][it] may think fit to impose, or [3][it] may by a similar notification refuse to give sanction.

Preparation and publication of draft scheme.

10. (*1*) Within twelve months from the date of the notification sanction in the making of a town-planning scheme the local authority shall in consultation with the owners prepare, and publish in the prescribed manner, a draft scheme for the area in respect of which sanction has been given :

[4][Provided that on application made by the local authority in that behalf, the Provincial Government may from time to time, by notification in the *Official Gazette*, extend the said period of twelve months, but the aggregate period of such extensions shall not exceed twelve months.]

(*2*) If such publication is not made by the local authority within [5][the period specified in sub-section (*1*), or where the said period is extended under the proviso thereto, such extended period], the [1][Provincial Government] in the City of Bombay or the Commissioner elsewhere may in consultation with the owners prepare, and publish in the prescribed manner, a draft scheme for the area in respect of which sanction has been given within a further period of nine months.

Lapsing of sanction.

(*3*) If such publication is not made by the [1][Provincial Government] or the Commissioner, as the case may be, within the further period specified in sub-section (*2*), the sanction of the [1][Provincial Government] for the making of such town-planning scheme shall lapse, and until a period of three years has elapsed from the date of such sanction it shall not be competent to the local authority to apply for fresh sanction for the making of any town-planning scheme for the same area or for any part of it.

Contents of draft scheme.

11. The draft scheme shall contain the following particulars :—

(*a*) the area, ownership and tenure of each original plot ;

(*b*) the land allotted or reserved under clause (*d*) of section 3 with a general indication of the uses to which such land is to be put [6][and the terms and conditions subject to which such land is to be put to such uses] ;

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The word "it" was substituted for the word "he", *ibid.*

[4] This proviso was added by Bom. 14 of 1946, s. 2 (*i*).

[5] These words, figure and brackets were substituted for the words "twelve months from the date of such notification", *ibid*, s. 2 (*ii*).

[6] These words were added by Bom. 21 of 1938, s. 5.

(*c*) the extent to which it is proposed to alter the boundaries of original plots ;

(*d*) an estimate of the net cost of the scheme to be borne by the local authority :

(*e*) a full description of all details of the scheme under such clauses of section 3 as may be applicable ; and

(*f*) any other prescribed particulars.

Reconstituted plots.

12. (*1*) In the draft scheme the size and shape of every reconstituted plot shall be so determined as to render it, so far as may be, suitable for building purposes.

(*2*) In order to render original plots more suitable for building purposes the draft scheme may contain proposals—

(*a*) to form a reconstituted plot by the alteration of the boundaries of an original plot,

(*b*) to provide with the consent of the owners that two or more original plots each of which is held in ownership in severalty or in joint ownership shall hereafter, with or without alteration of boundaries, be held in ownership in common as a reconstituted plot,

(*c*) to allot a plot to any owner dispossessed of land in furtherance of the scheme, and

(*d*) to transfer the ownership of a plot from one person to another.

Objection to the draft scheme to be considered.

13. If within one month from the date of publication of the draft scheme any person affected by such scheme communicates in writing to the local authority any objection relating to such scheme the local authority shall consider such objection and may, at any time before submitting the draft scheme to the [1][Provincial Government] as hereinafter provided, modify such scheme as it thinks fit.

Power of the Provincial Government to sanction a draft scheme.

14. (*1*) The local authority shall [2][within the period prescribed] submit the draft scheme with any modifications which it may have made therein together with the objections which may have been communicated to it to the [1][Provincial Government] and shall at the same time apply for [3][its] sanction.

(*2*) After receiving such application and after making such inquiry as [4][it] may think fit, the [1][Provincial Government] may [5][within the period prescribed] by notification in the [6][*Official Gazette*] either sanction such scheme with or without modifications and subject to such conditions as [4][it] may think fit to impose, or [7]* * * refuse to give sanction.

(*3*) If the [1][Provincial Government] sanctions such scheme [4][it] shall in such notification state at what place and time the draft scheme shall be open to the inspection of the public.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These words were substituted for the word "then" by Bom. 21 of 1938, s. 6 (*a*).

[3] The word "its" was substituted for the word "his" by the Adaptation of Indian Laws Order in Council.

[4] The word "it" was substituted for the word "he", *ibid.*

[5] These words were inserted by Bom. 21 of 1938, s. 6 (*b*) (*i*).

[6] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[7] The words "he may by a similar notification" were omitted by Bom. 21 of 1938, s. 6 (*b*) (*ii*).

15. (*1*) When a local authority has published a declaration of intention to make a scheme— Restrictions after declaration.

(*a*) no person shall within the area included in the scheme erect or proceed with any building or work [1][or remove, pull down or alter any building or part of a building or remove any earth, stone or material] unless such person has applied for and obtained the necessary permission which shall be contained in a commencement certificate granted by the local authority in the form prescribed;

(*b*) the local authority on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt, and after enquiry may either grant or refuse such certificate or grant it subject to such conditions [2][as the local authority may, with the previous approval of the Provincial Government, think fit to impose], [3][provided that if an Arbitrator has been appointed under section 29 the local authority shall not grant such certificate without obtaining the previous concurrence of such Arbitrator, unless such Arbitrator fails to communicate his decision in the matter to the local authority within two months from the date of the despatch of the application to him by the local authority. If] the local authority communicates no decision to the applicant within three months from the date of such acknowledgment he shall be deemed to have been granted such certificate;

[4][(*c*) if any person contravenes the provisions contained in clause (*a*) or clause (*b*),—

(*i*) the local authority may direct such person by notice in writing to stop any work in progress, and after making enquiry in the prescribed manner, remove, pull down or alter any building or other work in the area included in the scheme, [5][in respect of which such contravention is made,] and

(*ii*) such person shall, on being convicted for such contravention, be liable to fine which may extend to Rs. 1,000 and in the case of a continuing contravention of the aforesaid provisions, he shall be liable to an additional fine which may extend to Rs. 10 for each day during which such contravention continues after conviction for the first such contravention;]

(*d*) any expenses incurred by the local authority under clause (*c*) shall be a sum due to the local authority under this Act from the person in default;

[6][(*e*) any diminution in the value of an original plot occasioned by any contravention of clause (*a*) or clause (*b*) shall, notwithstanding anything contained in section 16, 17 or 19 be taken into account in fixing the market value of such plot.]

(*2*) No person shall be entitled to compensation in respect of any damage, loss or injury resulting from any action taken by the local authority under the provisions of this section or of section 43, except in respect of a building or work begun or a contract entered into before the date on which the local authority published a declaration of intention to make a scheme, and only in so far as such building or

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[1] These words were inserted by Bom. 13 of 1920, s. 2 (*a*).

[2] These words were substituted for the words "as may be consistent with the scheme" by Bom. 14 of 1946, s. 3 (*a*) (*i*).

[3] These words were substituted for the words "scheme: but if" by Bom. 21 of 1938, s. 7 (*i*) (*a*).

[4] This clause was substituted for the original clause (*c*), *ibid.*, s. 7 (*i*) (*b*).

[5] These words were substituted for the words "which is such as to contravene the scheme" by Bom. 14 of 1946, s. 3 (*a*) (*ii*).

[6] This clause was added by Bom. 13 of 1920, s. 2 (*b*).

work has proceeded at the time of the publication of the declaration of intention to make a scheme :

[1][Provided that such claim to compensation in the excepted cases shall be subject to the conditions of any agreement entered into between such person and the local authority.]

(*3*) The restrictions imposed by this section shall cease to operate in the event of the [2][Provincial Government] refusing to sanction the making of a town-planning scheme, or in the event of the sanction of the [2][Provincial Government] for the making of such scheme lapsing, or in the event of the [2][Provincial Government] refusing to sanction the draft scheme [3][or the final scheme, or in the event of the withdrawal of the scheme under section 40A.]

Power to Provincial Government to suspend rule, bye-law, Act, etc.

[4][**15AA.** (*1*) When a local authority has published a declaration of intention to make a scheme, the Provincial Government may, by order published in the *Official Gazette*, suspend, to such extent only as may be necessary for the proper carrying out of the scheme any rule having the force of law, by-law, Act, or other provision which is in force in the area proposed to be included in the scheme and which the Provincial Legislature or the Provincial Government, or a local authority within the Province is competent to amend.

(*2*) Any order issued under sub-section (*1*) shall cease to operate in the event of the Provincial Government refusing to sanction the making of the town planning scheme, or in the event of the sanction of the Provincial Government for the making of such scheme lapsing, or in the event of the Provincial Government refusing to sanction the draft scheme or the final scheme, or in the event of the withdrawal of the scheme under section 40A, or in the event of the coming into force of the final scheme.]

Town planning schemes in built up areas.

[5][**15A.** (*1*) Whenever a local authority proposes to undertake the reclamation of a locality which is unhealthy or the laying out of a street or the construction of a park or of pleasure or recreation ground in virtue of the powers conferred upon it by any law for the time being in force in any area within its limits which is already built upon and the Provincial Government is of opinion that such reclamation, laying out or construction will specially benefit the owners of buildings and lands within such area, the Provincial Government may, by notification in the *Official Gazette*, apply to such area the provisions of Chapters III and IV with such modifications and adaptations as the Provincial Government may deem fit :

Provided that in calculating the amount of the increment under section 17 or in estimating the market value of a plot under section 19, the amount of such increment or such market value shall be calculated or estimated as at the date of the resolution of the local authority proposing the scheme under this section.

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[1] This proviso was added by Bom. 14 of 1946, s. 3 (*b*).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] These words, figures and letter were added by Bom. 21 of 1938, s. 7 (*ii*).

[4] Section 15AA was inserted by Bom. 14 of 1946, s. 4.

[5] New section 15A was inserted by Bom. 21 of 1938, s. 8.

(*2*) The Provincial Government shall, before issuing a notification under sub-section (*1*), give the owners or occupiers of buildings and lands in the area affected, an opportunity of showing cause why such notification should not be issued.]

CHAPTER III.

FINANCE.

16. (*1*) The costs of a town-planning scheme shall include— Costs of the scheme.

(*a*) all sums payable by the local authority under the provisions of this Act which are not specifically excluded from the costs of the scheme;

(*b*) all sums spent or estimated to be spent by the local authority in the making and in the execution of the scheme;

[1][(*bb*) all sums payable as compensation for land allotted or reserved for any public or municipal purpose which is solely beneficial to the owners or residents within the area of the scheme;

(*bc*) such portion of the sums, payable as compensation for land allotted or reserved for any public or municipal purpose which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the owners or residents within the area of the scheme from such allotment or reservation];

(*c*) all legal expenses of the local authority incurred in the making and in the execution of the scheme; and

(*d*) any amount by which the total of the values of the original plots exceeds the total of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme with all the buildings and works thereon at that date and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

(*2*) If in any case the total of the values of the plots included in the final scheme exceeds the total of the values of the original plots, each of such plots being estimated in the manner provided in clause (*d*) of sub-section (*1*), then the amount of such excess shall be deducted in arriving at the costs of the scheme, as defined in sub-section (*1*).

17. [2][For the purposes of this Act the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of a plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:] Calculation of increment.

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[1] These clauses were inserted by Bom. 21 of 1938, s. 9.
[2] This paragraph was substituted by Bom. 13 of 1920, s. 3.

Provided that in estimating such values the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

Contribution towards the costs of the scheme.

18. (*1*) The costs of the scheme shall be met wholly or in part by a contribution to be levied by the local authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Tribunal of Arbitration:

Provided that—

(*i*) no such contribution shall exceed half the increment estimated by the Tribunal of Arbitration to accrue in respect of such plot; [1]*

(*ii*) where a plot is subject to a mortgage with possession or to a lease, the Tribunal of Arbitration shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution;

[2][(*iii*) no such contribution shall be levied on a plot used, allotted or reserved for a public or municipal purpose which is solely for the benefit of owners or residents within the area of the scheme; and

(*iv*) the contribution levied on a plot used, allotted or reserved for a public or municipal purpose which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.]

Owner primarily liable for contribution.

(*2*) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

Certain amount to be added to or deducted from the contribution leviable from a person.

19. The amount by which the total value of the plots included in final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from or added to, as the case may be, the contributions leviable from such person, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

Transfer of right from original to reconstituted plot, or extinction of such right.

20. Any right in an original plot which in the opinion of the arbitrator is capable of being transferred wholly or in part, without prejudice to the making of a town-planning scheme, to a reconstituted plot shall be so transferred and any right in an original plot which in the opinion of the arbitrator is not capable of being so transferred shall be extinguished:

Provided that an agricultural lease shall not be transferred from an original plot to a reconstituted plot without the consent of all the parties to such lease.

Compensation in respect of property or right injuriously affected by scheme.

21. The owner of any property or right which is injuriously affected by the making of a town-planning scheme shall, if he makes a claim before the arbitrator within the prescribed time be entitled to obtain compensation in respect thereof from the local authority or from any person benefited or partly from the local authority and partly from such person, as the Tribunal of Arbitration may in each case determine:

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[1] The word "and" was omitted by Bom. 21 of 1938, s. 10 (*i*).

[2] These provisos were inserted, *ibid.*, s. 10 (*ii*).

Provided that the value of such property or right shall be held to be its market value at the date of the declaration of intention to make a scheme without reference to improvements contemplated in the scheme.

Exclusion or limitation of compensation in certain cases.

22. (*1*) Where property or a private right of any sort is alleged to be injuriously affected by reason of any provisions contained in a town-planning scheme, no compensation shall be paid in respect thereof if or in so far as the provisions are such as would have been enforceable without compensation under any rule having the force of law, by-law or Act in force at the time.

(*2*) Property or a private right of any sort shall not be deemed to be injuriously affected by reason of any provisions inserted in a town-planning scheme, which, with a view to securing the amenity of the area included in such scheme or any part thereof, impose any conditions and restrictions in regard to any of the matters specified in clause (*i*) of section 3.

Provision for case in which amount payable to owner exceeds amount due from him.

23. If the owner of an original plot is not provided with a plot in the final scheme, or if the contribution to be levied from him under section 18 is less than the total amount to be deducted therefrom under any of the provisions of this Act, the net amount of his loss shall be payable to him by the local authority in cash, or in such other way as may be agreed upon by the parties.

Provision for case in which value of developed plot is less than amount payable by owner.

24. (*1*) If from any cause the total amount which would be due to the local authority under the provisions of this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the arbitrator shall, at the request of the local authority, direct the owner of such plot to make payment to the local authority of the amount of such excess.

(*2*) If such owner fails to make such payment within the prescribed period, the arbitrator shall, if the local authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the local authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme and without reference to improvements contempated in the scheme; and thereupon the plot included in the final scheme shall vest absolutely in the local authority, free from all encumbrances but subject to the provisions of this Act:

Provided that the payment made by the local authority on account of the value of the original plot shall not be included in the costs of the scheme.

Payment by adjustment of account.

25. All payments due to be made to any person by the local authority under this Act shall, as far as possible, be made by an adjustment in such person's account with the local authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment shall be paid in cash or in such other way as may be agreed upon by the parties.

Payment of net amount due to local authority.

26. (*1*) The net amount payable under the provisions of this Act by the owner of a plot included in the final scheme may at the option of the contributor be paid in one sum or such instalments including charges for interest as shall be fixed by the local authority with the sanction of the [1][Provincial Government] in the City of Bombay or the Commissioner elsewhere.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

(2) Where more than one plot included in the final scheme is in the same ownership the net amount payable by such owner under the provisions of this Act shall be distributed over his several plots in proportion to the increment which is estimated to accrue in respect of each plot unless the owner and the local authority agree to a different method of distribution.

Power of local authority to make agreements.

27. (1) A local authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town-planning scheme, subject to the power of the [1][Provincial Government] to modify or disallow such agreement and, unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the town-planning scheme comes into force.

(2) Such agreement shall not in any way affect the duties of the arbitrator or of the Tribunal of Arbitration as described in Chapter IV or the rights of third parties, but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the arbitrator or by the Tribunal of Arbitration :

Provided that if the agreement be modified by Government, either party shall have the option of avoiding it if he so elects.

Recovery of arrears.

28. Any sum due to the local authority under this Act which is not paid on the day when it becomes due shall be recovered by the Collector, according to law and under the rules for the time being in force for the recovery of arrears of land-revenue, on application being made to him by the local authority.

CHAPTER IV.

THE ARBITRATOR AND THE TRIBUNAL OF ARBITRATION.

Appointment of arbitrator.

29. After a draft scheme has been sanctioned the [1][Provincial Government] shall appoint an arbitrator with sufficient establishment whose duties shall be as hereinafter provided.

Duties of the arbitrator.

30. In accordance with the prescribed procedure the arbitrator shall—

(1) after notice given by him in the prescribed manner define and [2]* * * demarcate the areas allotted to, or reserved for, [3][public or municipal purposes] and the reconstituted plots ;

(2) after notice given by him in the prescribed manner determine, in a case in which a reconstituted plot is to be allotted to persons in ownership in common, the shares of such persons ;

(3) fix the difference between the total of the values of the original plots and the total of the values of the plots included in the final scheme, in accordance with the provisions contained in clause (*d*) of sub-section (1) of section 16 ;

[4][(3A) determine whether the areas used, allotted or reserved for public or municipal purposes are beneficial wholly or partly to the owners or residents within the area of the scheme ;

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "where it is in his opinion necessary" were omitted by Bom. 21 of 1938, s. 11 (*a*) (*i*).

[3] These words were substituted for the words "the local authority", *ibid.*, s. 11 (*a*) (*ii*).

[4] These clauses were inserted, *ibid.*, s. 11 (*b*).

(*3B*) estimate the portion of the sums, payable as compensation for each plot used, allotted or reserved for a public or municipal purpose which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public, which shall be included in the costs of the scheme;

(*3C*) calculate the contribution to be levied on each plot used, allotted or reserved for a public or municipal purpose which is beneficial partly to the owners or residents within the area of the scheme and partly to the general public in accordance with the provisions contained in proviso (*iv*) to section 18;

(*3D*) determine the amount of exemption, if any, from the payment of contribution that may be granted in respect of plots exclusively occupied for religious or charitable purposes;]

(*4*) estimate the increment to accrue in respect of each plot included in the final scheme, in accordance with the provisions contained in section 17;

(*5*) calculate the proportion in which the increment of the plots included in the final scheme shall be liable to contribution to the costs of the scheme, in accordance with the provisions contained in section 18;

(*6*) calculate the contribution to be levied on each plot included in the final scheme;

(*7*) determine the amount to be deducted from or added to, as the case may be, the contributions leviable from a person, in accordance with the provisions contained in section 19;

(*8*) provide for the total or partial transfer of any right in an original plot to a reconstituted plot or provide for the extinction of any right in an original plot, in accordance with the provisions contained in section 20;

(*9*) estimate in reference to claims made before him, after notice given by him in the prescribed manner, the compensation to be paid to the owner of any property or right injuriously affected by the making of a town-planning scheme, in accordance with the provisions contained in section 21 and subject to the provisions contained in section 22;

(*10*) draw up in the prescribed form the final scheme in accordance with the draft scheme:

provided that—

(*i*) he may make variations from the draft scheme;

(*ii*) any variation estimated by him to involve an increase of ten per centum in the costs of the scheme as described in section 16 shall require the sanction of the [1][Provincial Government]:

Provided further that he shall make no substantial variation without the consent of the local authority and without hearing any objections that may be raised by the owners concerned; and that in the case of any substantial variation made by him the owners concerned shall have the right of appeal to the [1][Provincial Government].

Certain decisions of the arbitrator shall be final.

31. Except in matters arising out of clauses [2][(*3A*), (*3B*), (*3C*)], (*4*), (*5*), (*6*) and (*9*) of section 30, and subject to the provisos contained in clause (*10*) of section 30, every decision of the arbitrator shall be final and conclusive and binding on all persons.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] These figures, letters and brackets were inserted by Bom. 21 of 1938, s. 12.

Arbitrator shall make proposals in certain matters.

32. In matters arising out of clauses [1][(*3A*), (*3B*), (*3C*),] (*4*), (*5*), (*6*) and (*9*) of section 30, the arbitrator shall [2][determine] estimate or calculate what is required by such clauses to be [2][determined] estimated or calculated and shall forthwith make proposals on all such matters to the President of the Tribunal of Arbitration for the decision of such Tribunal.

Constitution of the Tribunal of Arbitration.

33. (*1*) The Tribunal of Arbitration shall consist of a President and two Assessors.

(*2*) The President shall, in [3][Greater Bombay], be a person who holds or has held office as a Judge of the High Court of Judicature, to be appointed by the Chief Justice, [4]* * * * * * * * * and elsewhere the District Judge.

[5][(*3*) The Assessors shall be appointed by the President and shall be such persons as in his opinion are impartial.]

[6]* * *

(*5*) The President and the Assessor shall be appointed members of the Tribunal of Arbitration for such period as may be required by such Tribunal to decide in connection with a particular town-planning scheme all matters arising out of clauses [1][(*3A*), (*3B*), (*3C*),] (*4*), (*5*), (*6*) and (*9*) of section 30.

(*6*) The [7][Provincial Government] may, if [8][it] thinks fit, remove for inability or misconduct or any other good and sufficient reason [9][an Assessor] appointed under sub-section (*3*) [10]* * *.

(*7*) If any member of the Tribunal of Arbitration is removed or dies or refuses or neglects to act or becomes incapable of acting, the authority who appointed such member shall appoint forthwith a fit person to take the place of such member.

Arbitrator to assist Tribunal in advisory capacity and his remuneration.

[11][**33A.** (*1*) The Arbitrator shall be present at the proceedings before the Tribunal of Arbitration. He shall not be required to give evidence in such proceedings, but the President may require him to assist the Tribunal in an advisory capacity.

(*2*) When the Arbitrator is required under sub-section (*1*) to assist the Tribunal he shall, save where he is a salaried officer of Government, be entitled to such fees as Government may from time to time determine.]

Place where the Tribunal may sit.

34. The Tribunal of Arbitration may sit either at the Headquarters of the President or at any other place, within the local limits of his jurisdiction, which he may consider convenient for the decision of any matter before such Tribunal.

Right to appear by recognised agent.

35. Every party to any proceeding before the Tribunal of Arbitration shall be entitled to appear either in person or by his recognised agent.

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[1] These figures, letters and brackets were inserted by Bom. 21 of 1938, ss. 13 (*i*) and 14 (*c*).
[2] This word was inserted., *ibid.*, s. 13 (*ii*).
[3] These words were substituted for the original by Bom. 55 of 1948, s. 4.
[4] The words deleted by Bom. 55 of 1948, s. 2, have been omitted.
[5] Sub-section (*3*) was substituted for the original., *ibid.*, s. 14 (*a*).
[6] Sub-section (*4*) was deleted, *ibid.*, s. 14 (*b*).
[7] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
[8] The word "it" was substituted for the word "he", *ibid.*
[9] These words were substituted for the words "the Assessor" by Bom. 21 of 1938, s. 14 (*d*) (*i*).
[10] The words "or the Arbitrator" were omitted, *ibid.*, s. 14 (*d*) (*ii*).
[11] This section was inserted, *ibid.*, s. 15.

36. All questions of law and procedure shall be decided by the President. All other questions shall be decided by the President and the two Assessors or by the majority of them.

Decision of questions of law and procedure and other questions.

37. (*1*) After making such enquiry as the President may think fit the Tribunal of Arbitration may accept, modify, vary, or reject the proposals of the arbitrator and shall decide all matters arising out of clauses [1][(*3A*), (*3B*), (*3C*),] (*4*), (*5*), (*6*) and (*9*) of section 30.

Powers of the Tribunal to decide matters finally.

(*2*) Every decision of the Tribunal of Arbitration shall be final and conclusive and binding on all persons.

38. Nothing contained in this Act shall be deemed to constitute the Tribunal of Arbitration to be a Court.

Tribunal not a Court.

39. (*1*) [2]* * * The President of the Tribunal of Arbitration, and the [3][Assessors] shall, save where they are salaried [4][servants of the Crown], be entitled to such remuneration, either by way of monthly salary or by way of fees or partly in one way and partly in the other, as the [5][Provincial Government] may from time to time determine.

Remuneration of arbitrator and Assessor and payment of incidental expenses of Tribunal.

(*2*) The salary of [6]* * * a President of the Tribunal of Arbitration or an Assessor who is a salaried [7][servant of the Crown], and any remuneration payable under sub-section (*1*) [8][and fees payable to an Arbitrator under sub-section (*2*) of section 33A] and all expenses incidental to the working of the Tribunal of Arbitration shall, unless the [5][Provincial Government] otherwise determines, be defrayed out of the funds of the local authority and shall be added to the costs of the scheme.

40. (*1*) After the Tribunal of Arbitration has decided all matters arising out of clauses [9][(*3A*), (*3B*), (*3C*),] (*4*), (*5*), (*6*) and (*9*) of section 30, the arbitrator shall forward the final scheme through the local authority to the [5][Provincial Government]. [10][On receipt of the final scheme, the Provincial Government may, by notification in the *Official Gazette*, sanction the scheme or refuse to give such sanction, provided that in sanctioning the scheme the Provincial Government may make such modifications as may in its opinion be necessary for the purposes of correcting an error, irregularity or informality.]

Final scheme.

(*2*) [11][If Government sanctions such scheme, it shall be stated in such notification] where the final scheme is open to the inspection of the public and the price at which copies may be obtained, and a date not earlier than one month after the publication of such notification shall be fixed as the date on which all liabilities created by the scheme shall take effect and the final scheme shall come into force :

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[1] These figures, letters and brackets were inserted by Bom. 21 of 1938, s. 16.

[2] The words "The arbitrator" were omitted, *ibid.*, s. 17 (*i*) (*a*).

[3] This word was substituted for the word "Assessor", *ibid.*, s. 17 (*b*).

[4] The words "servants of the Crown" were substituted for the words "officers of Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "Provincial Government" were substituted for the words "Governor in Council", *ibid.*

[6] The words "an arbitrator" were omitted by Bom. 21 of 1938, s. 17 (*ii*) (*a*).

[7] These words were substituted for the words "officer of Government" by the Adaptation of Indian Laws Order in Council.

[8] These words, brackets, figures and letter were inserted by Bom. 21 of 1938, s. 17 (*ii*) (*b*).

[9] These figures, letters and brackets were inserted by Bom. 21 of 1938, s. 18 (*i*) (*a*).

[10] These words were substituted for the original words, *ibid.*, s. 18 (*i*) (*b*).

[11] These words were substituted for the words "In such notification, it shall be stated", *ibid.*, s. 18 (*ii*) (*a*).

[1][Provided that the Provincial Government may from time to time postpone such date by such period not exceeding three months at a time as it thinks fit.]

(*3*) On and after the date fixed in such notification a town-planning scheme shall have effect as if it were enacted in this Act.

Withdrawal of a scheme.

[2][**40A.** If at any time a representation is made to the Arbitrator by the local authority and a majority of the owners or the residents in the area that the scheme should be withdrawn, the Arbitrator shall, after inviting from all persons interested in the scheme objections to such representation, forward such representation, together with the objections, if any, to the Provincial Government. After making such enquiry as it may think fit, the Provincial Government may, if the scheme has not already come into force, by notification in the *Official Gazette*, direct that the scheme shall be withdrawn and upon such withdrawal no further proceedings shall be taken in regard to such scheme.]

Effect of final scheme.

41. On the day on which the final scheme comes into force—

(*a*) all lands required by the local authority shall, unless it is otherwise determined in such scheme, vest absolutely in the local authority free from all encumbrances;

(*b*) all rights in original plots which have been reconstituted shall determine and the reconstituted plots shall become subject to the rights settled by the arbitrator.

Power of local authority to evict summarily.

42. On and after the day on which the final scheme comes into force any person continuing to occupy any land which he is not entitled to occupy under the final scheme may, in accordance with the prescribed procedure, be summarily evicted by the local authority.

Power to enforce scheme.

43. (*1*) On and after the day on which the final scheme comes into force the local authority may after giving the prescribed notice and in accordance with the provisions of the scheme—

(*a*) remove, pull down, or alter any building or other work in the area included in the scheme which is such as to contravene the scheme or in the erection or carrying out of which any provision of the scheme has not been complied with;

(*b*) execute any work which it is the duty of any person to execute under the scheme in any case where it appears to the local authority that delay in the execution of the work would prejudice the efficient operation of the scheme.

(*2*) Any expenses incurred by a local authority under this section may be recovered from the persons in default in the manner hereinbefore provided for the recovery of sums due to the local authority under the provisions of this Act.

(*3*) If any question arises as to whether any building or work contravenes a town-planning scheme, or whether any provision of a town-planning scheme is not complied with in the erection or carrying out of any such building or work, that question shall be referred to the [3][Provincial Government] in the City of Bombay or the Commissioner elsewhere, and [4][its or his] decision shall be final and conclusive and binding on all persons.

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[1] This proviso was inserted by Bom. 21 of 1938, s. 18 (*ii*) (*b*).

[2] This section was inserted, *ibid.*, s. 19.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "its or his" were substituted for the word "his", *ibid.*

44. For the purposes of this Act an officer appointed under sub-section (*1*) of section 4, an arbitrator or a Tribunal of Arbitration may summon and enforce the attendance of witnesses including the parties interested or any of them and compel them to give evidence and compel the production of documents by the same means and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908. Power to compel attendance of witnesses.

V of 1908.

CHAPTER IV.

MISCELLANEOUS.

45. (*1*) When two or more local authorities are of opinion that the interests of contiguous areas within their respective jurisdictions can best be served by the making of a joint town-planning scheme, and the [1][Provincial Government] agrees with such opinion, a joint Town Planning Board shall be constituted. Joint town-planning schemes.

(*2*) Such Board shall consist of representatives of each of the several local authorities and of persons nominated by the [1][Provincial Government] in such proportion as may be prescribed.

(*3*) The representatives of the several local authorities shall be elected in the prescribed manner on dates appointed by the [1][Provincial Government] in the City of Bombay and by the Commissioner elsewhere.

(*4*) Such Board, when duly constituted, shall make a declaration of intention to make a joint town-planning scheme in respect of the contiguous areas in the manner provided in section 9 and thereafter the procedure shall follow all the provisions of this Act and such Board shall have all the powers and be liable to all the duties of a local authority under the provisions of this Act.

(*5*) The draft joint town-planning scheme shall specify the parts of the scheme to be executed by the several local authorities in the several contiguous areas and the several parts of the scheme shall, when notified in the final scheme have effect in the several contiguous areas as if they are, separate schemes:

Provided that any part of a joint town-planning scheme may be executed jointly by two or more local authorities.

[2][**45A.** When any local authority ceases to exist or ceases to have jurisdiction over any area included in a town-planning scheme the property and rights vested in such local authority under this Act shall, subject to all charges and liabilities affecting the same, vest in such other local authority or authorities as the [1][Provincial Government] may, with the consent of such authority or authorities, by notification in the [3][*Official Gazette*] direct; and such local authority or each one of such local authorities shall have all the powers under this Act in respect of such scheme or such part of a scheme as comes within its jurisdiction which the local authority ceasing to exist or ceasing to have jurisdiction had.] Vesting of property and rights of a local authority ceasing to exist or ceasing to have jurisdiction.

[4][**45B.** (*1*) If after the final scheme has come into force, the local authority considers that the scheme is defective on account of an error, irregularity or informality, the local authority may apply in writing to the Provincial Government for the variation of the scheme. Power to vary a scheme on the ground of error, irregularity or informality.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] Section 45A was inserted by Bom. 16 of 1920, s. 2.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[4] This section was inserted by Bom. 21 of 1938, s. 20.

(*2*) If on receiving such application or otherwise, the Provincial Government is satisfied that the variation required is not substantial, the Provincial Government shall publish a draft of such variation in the prescribed manner.

(*3*) The draft variation published under sub-section (*2*) shall state every amendment proposed to be made in the scheme, and if any such amendment relates to a matter specified in any of the clauses (*a*) to (*g*) of section 3, the draft variation shall also contain such other particulars as may be prescribed.

(*4*) The draft variation shall be open to the inspection of the public at the office of the local authority during office hours.

(*5*) Within one month of the date of publication of the draft variation, any person affected thereby may communicate in writing any objection to such variation to the Provincial Government through the Collector and Commissioner.

(*6*) After receiving the objections under sub-section (*5*), the Provincial Government may after consulting the local authority and after making such enquiry as it may think fit, by notification in the *Official Gazette*—

(*a*) appoint an Arbitrator and thereupon the provisions contained in Chapter IV shall, so far as may be, apply to such draft variation, as if it were a draft scheme sanctioned by the Provincial Government, or

(*b*) make the variation with or without modifications, or

(*c*) refuse to make the variation.

(*7*) From the date of the notification making the variation, the variation shall take effect as if it were incorporated in the scheme.]

Power to vary or revoke a town-planning scheme.

46. (*1*) [1][Notwithstanding anything contained in section 45B] a town-planning scheme may at any time be varied or revoked by a subsequent scheme prepared, published and sanctioned in accordance with this Act.

(*2*) The [2][Provincial Government], on the application of the local authority or of any person appearing to [3][it] to be interested, may at any time, by notification in the [4][*Official Gazette*], revoke a town-planning scheme if [3][it] thinks that under the special circumstances of the case the scheme should be so revoked.

Compensation when final scheme is varied or revoked.

47. If at any time after the day on which the final scheme has come into force such scheme is varied or revoked, any person who has incurred expenditure for the purpose of complying with such scheme shall be entitled to receive compensation from the local authority, in so far as any such expenditure is rendered abortive by reason of the variation or revocation of such scheme.

Apportionment of costs of scheme withdrawn, not sanctioned or revoked.

[5][**47A.** In the event of a town-planning scheme being withdrawn or sanction to a draft scheme or a final scheme being refused by the Provincial Government or a final scheme being revoked, the Provincial Government may direct that the costs of the scheme shall be borne by the local authority or be paid to the local authority by the owners concerned, in such proportion as the Provincial Government may in each case determine.]

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[1] These words, figures and letter were inserted, by Bom. 21 of 1938, s. 21.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The word "it" was substituted for the words "him" and "he", *ibid.*

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[5] This section was inserted by Bom. 21 of 1938, s. 22.

48. If in the opinion of the [1][Provincial Government] any local authority is not competent to exercise or perform, or neglects or fails to exercise or perform, any power conferred or duty imposed upon it under any of the provisions of this Act, the [1][Provincial Government], or any person or persons appointed in this behalf by the [1][Provincial Government], may exercise such power or perform such duty.

Provincial Government may itself or through any person exercise power or perform duty conferred or imposed on a local authority.

49. No suit or other legal proceedings shall be maintained in respect of the exercise of any discretion conferred by this Act or against any public servant or person duly appointed or authorised under this Act in respect of anything in good faith done or purporting to be done under the provisions thereof or the rules made thereunder.

Bar of legal proceedings.

XVI of 1908. **50.** (*1*) Nothing in the Indian Registration Act, 1908, shall be deemed to require the registration of any document, plan or map prepared, made or sanctioned in connection with a final scheme which has come into force and which has not been revoked.

Registration of document, plan or map in connection with a final scheme is not required.

(*2*) All such documents, plans and maps shall, for the purposes of sections 48 and 49 of the Indian Registration Act, 1908, be deemed to have been and to be registered in accordance with the provisions of that Act:

XVI of 1908.

Provided that documents, plans and maps relating to the sanctioned scheme shall be accessible to the public in the manner prescribed.

51. Land needed for the purpose of a town-planning scheme shall be deemed to be land needed for a public purpose, within the meaning of the Land Acquisition Act, 1894.

I of 1894.

Land needed for purpose of town-planning scheme may be compulsorily acquired.

[2][**51A.** (*1*) If at any time the Provincial Government is of opinion that any land included in a town planning scheme is needed for a public purpose other than that for which it is included in the scheme, it may make a declaration to that effect in the *Official Gazette* in the manner provided in section 6 of the Land Acquisition Act, 1894. The declaration so published shall, notwithstanding anything contained in the said Act, be deemed to be a declaration duly made under the said section.

I of 1894.

Power of Provincial Government to acquire lands included in a town planning scheme.

(*2*) On the publication of a declaration under sub-section (*1*), the Collector shall proceed to take order for the acquisition of the land and the provisions of the Land Acquisition Act, 1894, shall so far as may be apply to the acquisition of the said land.

I of 1894.

I of 1894. (*3*) In the proceedings under the Land Acquisition Act, 1894, the local authority concerned shall be deemed to be a person interested in the land acquired and in determining the amount of compensation to be awarded to the local authority, the Collector or the Court, as the case may be, may take into consideration the value, if any, paid by the local authority for the acquisition of the said land under section 51 or otherwise, and the proportionate cost of the scheme, if any, incurred by the local authority and rendered abortive by reason of the variation of the scheme on account of such acquisition.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This section was inserted by Bom. 55 of 1948, s. 5.

(*4*) On the land vesting in the Crown under section 16 or 17 of the Land Acquisition Act, 1894, as the case may be, the scheme shall be deemed to have been suitably varied by reason of acquisition of the land.] I of 1894.

Special provision in case of a municipality which is superseded or dissolved.

[1][2]**51B.** Where a municipality is superseded under sub-section (*1*) of section 179 of the Bombay District Municipal Act, 1901, or dissolved or superseded under sub-section (*1*) of section 219 of the Bombay Municipal Boroughs Act, 1925 [3][or where a panchayat is superseded under sub-section (*1*) of section 102 of the Bombay Village Panchayats Act, 1933,]— Bom. III of 1901. Bom. XVIII of 1925. Bom. VI of 1933.

(*a*) the person or persons appointed under clause (*b*) of sub-section (*3*) of the said section 179 of the Bombay District Municipal Act, 1901, or under clause (*b*) of sub-section (*2*) of the said section 219 of the Bombay Municipal Boroughs Act, 1925, [4][or under clause (*a*) of sub-section (*4*) of the said section 102 of the Bombay Village Panchayats Act, 1933,] as the case may be, shall be deemed to be a municipality [5][or Panchayat, as the case may be,] within the meaning of section 2 (*a*) of this Act, and may exercise all the powers and perform all the duties of a local authority under this Act, during the period of supersession of or dissolution of such municipality [5][or Panchayat]; Bom. III of 1901. Bom. XVIII of 1925. Bom. VI of 1933.

(*b*) in the event of a person or persons appointed as aforesaid exercising the powers and performing the duties of a local authority under this Act, any property which may under the provisions of this Act vest in the local authority exercising such powers and performing such duties shall, during the period of supersession or dissolution of the municipality [5][or Panchayats as the case may be] vest in His Majesty; and such property shall, at the end of the said period, vest in such municipality [5][or Panchayat] as the Provincial Government may, by notification in the *Official Gazette*, direct.]

Rules.

52. (*1*) The [6][Provincial Government] may make rules consistent with the provisions of this Act to provide for all matters not specifically enacted therein.

(*2*) In particular and without prejudice to the generality of the foregoing power such rules shall be made to determine the following matters :—

(*a*) the procedure to be followed by the officer appointed to hold an enquiry for the purpose of deciding a disputed claim as to ownership under section 4;

(*b*) the notice to be given under section 5;

(*c*) the manner of publication of a declaration of intention to make a scheme under sub-section (*2*) of section 9;

(*d*) the manner of publication of a draft scheme under section 10;

(*e*) the further particulars to be prescribed for inclusion in the draft scheme under clause (*f*) of section 11;

[7][(*ee*) the period within which a local authority shall submit a draft scheme under sub-section (*1*), and the period within which Government may sanction it or refuse to give sanction to it under sub-section (*2*) of section 14];

(*f*) the form of the commencement certificate to be granted by a local authority under clause (*a*) of sub-section (*1*) of section 15 and the conditions, if any, to be included therein;

(*g*) the procedure to be followed by a local authority in making an enquiry under clause (*c*) of sub-section (*1*) of section 15;

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[1] This section was inserted by Bom. 4 of 1942, s. 2, read with Bom. 23 of 1947, s. 2.
[2] This section was renumbered as section 51B by Bom. 55 of 1948, s. 5.
[3] This portion was inserted by Bom. 13 of 1949, s. 2.
[4] This portion was inserted, *ibid.*
[5] These words were inserted, *ibid.*
[6] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.
[7] This clause was inserted by Bom. 21 of 1938, s. 23 (*a*) (*i*).

(*h*) the time to be allowed for making a claim to compensation under section 21;

(*i*) the period within which payment is to be made to the local authority under section 24;

(*j*) the procedure to be prescribed under section 30 and the notices to be given under sub-sections (*1*) (*2*) and (*9*) of that section;

(*k*) the form in which the arbitrator is to draw up the final scheme under sub-section (*10*) of section 30;

(*l*) the way in which the [1][Provincial Government] is to publish a notification relating to the final scheme under sub-section (*1*) of section 40;

(*m*) the procedure to be followed by the local authority in summarily evicting a person under section 42;

(*n*) the notice to be given by the local authority before it takes action under section 43;

(*o*) the proportion of elected and nominated persons on a Joint Planning Board under sub-section (*2*) of section 45;

(*p*) the manner of election of representatives of the several local authorities under sub-section (*3*) of section 45;

[2][(*pp*) the manner of publication of a draft variation under sub-sections (*2*) and (*3*), and the particulars a draft variation shall contain under sub-section (*4*) of section 45B;]

(*q*) the manner in which documents, plans and maps shall be made accessible to the public under the proviso to section 50;

(*r*) the procedure to be adopted for securing co-operation on the part of the local authority with the owners or persons interested in land proposed to be included in a town-planning scheme at every stage of the proceedings by means of conferences and such other means as may be expedient;

(*s*) the procedure to be followed by an arbitrator appointed under this Act;

(*t*) the procedure to be followed by a Tribunal of Arbitration under this Act;

(*u*) the procedure to be followed generally in carrying out the provisions and objects of this Act;

(*v*) the extent to which the proceedings of local authorities under this Act shall be regulated by any municipal or local law applicable to such authorities.

[3][(*2A*) A rule made under this section may provide that a contravention of any of the provisions of this Act or of the final scheme published under section 40 or of the rules which are specified in such rule shall be punishable with fine which may extend to Rs. 1,000 and, in the case of a continuing contravention with an additional fine which may extend to Rs. 10 for every day during which such contravention continues after conviction for the first such contravention.]

(*3*) The power to make rules under this Act shall be subject to the condition of previous publication.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] This clause was inserted by Bom. 21 of 1938, s. 23 (*a*) (*ii*).

[3] This sub-section was inserted, *ibid.*, s. 23 (*b*).

BOMBAY ACT No. III OF 1915.[1]

[THE BOMBAY DECENTRALIZATION ACT, 1915.]

[*15th June 1915.*]

[Repealed in part by Bom. 7 of 1920;
" " " " " 3 of 1937.

An Act to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay.

WHEREAS it is expedient to decentralize and otherwise to facilitate the administration of certain enactments in force in the Presidency of Bombay;

AND WHEREAS the previous sanction of the Governor General required by section 5 of the [2]Indian Councils Act, 1892, has been obtained for the passing of this Act; It is hereby enacted as follows:—

1. This Act may be called the Bombay Decentralization Act, 1915. Short title.

2. The enactments specified in the third columns of the Schedules I and II are hereby amended to the extent and in the manner specified in the fourth columns thereof. Amendments of certain enactments.

3. Any appointment, notification, order, scheme, rule, form or bye law made or issued by an authority for the making or issuing of which a new authority is substituted by or under this Act shall, unless inconsistent with this Act, be deemed to have been made or issued by such new authority unless and until superseded by appointment, notification, scheme, rule, form or bye-law made or issued by such new authority. Saving of orders, etc., issued by previous authorities.

SCHEDULE I.

[*The amendments made by Schedule I have been incorporated in the principal Acts.*]

SCHEDULE II.

[*Rep. by Act 3 of 1937, schedule.*]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1914, Part VII, page 1066; for Report of Select Committee, *see ibid.*, 1915, Part VII, page 97; and for Proceedings in Council, *see ibid.*, 1915, Part VII, pages 84 and 245.

[2] *See* now the Government of India Act, 1935.

THE BOMBAY CITY SURVEY ACT, 1915.

CONTENTS.

PREAMBLE.

Sections.

1. Short title and extent.
2. Interpretation clause.
3. Provincial Government may order survey and appoint Superintendent.
4. Superintendent may enter upon land.
5. Notice to be served on holders to attend.
6. After service of notices Superintendent may proceed with survey.
7. Survey map and register.
8. Superintendent may erect boundary marks.
9. Maintenance of temporary boundary marks.
10. Survey-fee may be charged.
11. All documents connected with the survey to be sent to the Collector.
12. Maintenance of survey map and register.
13. Revision of maps.
14. How notices may be served.
15. Privilege of title-deeds.
16. Amendment of section 19 of Bombay Act II of 1876.
17. Amendment of section 31 of Bombay Act II of 1876.
18. Rules.
19. Proceedings not to be affected by informality.

BOMBAY ACT No. IV OF 1915.[1]

[THE BOMBAY CITY SURVEY ACT, 1915.]

[*7th October 1915.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

*Amended by Bom. 17 of 1945.

An Act to provide for a survey of the Town and Island of Bombay.

Preamble.

WHEREAS, it is expedient to provide for the survey and demarcation of land in the Town and Island of Bombay; It is hereby enacted as follows :—

Short title. and extent.

1. (*1*) This Act shall be called the Bombay City Survey Act, 1915;

(*2*) It extends to [2][the City of Bombay].

Interpretation clause.

2. In this Act unless there is anything repugnant in the subject or context,—

Survey.

(*a*) "Survey" includes identification of boundaries and all other operations antecedent to, or connected with, survey;

"Superintendent".

(*b*) "Superintendent" means Superintendent of Survey under this Act;

Land.

(*c*) "Land" includes anything attached to the earth or permanently fastened to anything attached to the earth;

"Holder".

(*d*) "Holder" in relation to any land, means the occupier of such land, or where rent is paid for such land, any person in receipt of rent for such land who does not pay rent to another person.

Explanation.—"Rent" in this clause does not include money paid for land to [3][the Crown] or to the Municipal Corporation of the City of Bombay or to the Trustees for the Improvement of the City of Bombay or to the Trustees of the Port of Bombay or to a fazendar, except when such money is paid by a person holding such land on a tenancy for a term of less than one year.

Provincial Government may order survey and appoint Superintendent.

3. (*1*) The [4][Provincial Government] may, whenever [5][it] thinks fit, order that a survey shall be made of the lands situated in the Town and Island of Bombay, and for such purpose may appoint a Superintendent of Survey and one or more Assistant Superintendents of Survey.

(*2*) The Assistant Superintendents shall exercise such powers as may be delegated to them by the Superintendent.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1914, Part VII, page 1058; for Report of Select Committee, *see ibid.*, 1915, Part VII, page 107; for proceedings in Council, *see ibid.*, 1915, Part VII, pages 170 and 415.

[2] These words were substituted for the original by Bom. 17 of 1945, s. 9, Sch. E read with Bom. 52 of 1947, s. 2, proviso.

[3] The words "the Crown" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "Provincial Government" were substituted for the words "Governor in Council" *ibid.*

[5] The word "it" was substituted for the word "he" *ibid.*

*This Act has been repealed and re-enacted and the amendments made by section 9 and Sch. E of the said Act, have been continued in force by Bom. 52 of 1947.

Superintendent may enter upon land.

4. The Superintendent or any other officer employed in the survey may enter, between the hours of sunrise and sunset, upon any land within the local limits aforesaid, without being liable to any legal proceedings whatsoever on account of such entry or of anything done on such land in pursuance of this Act:

Provided that no such entry shall be made unless a notice of the intention to make such entry has been posted at least twenty-four hours previously in some conspicuous manner on the land.

Notice to be served on holders to attend.

5. Before entering on any land for the purposes of survey, the Superintendent may cause a notice in writing under his hand to be served on the holder or occupier of the land about to be surveyed and on the holders or occupiers of conterminous lands, calling upon them to attend either personally or by agent on such land before him or before such officer as may be authorized by him in that behalf, within a specified time (which shall not be less than three days after the service of such notice), for the purpose of pointing out boundaries and of affording such information as may be needed for the purposes of this Act, and intimating that in the event of their failing to attend he or such officer will proceed with the survey in their absence.

After service of notices Superintendent may proceed with survey.

6. After due service of notice under section 5, the Superintendent, or such officer as may be autorized by him, may proceed with the survey whether the persons upon whom notices have been served are present or not.

Survey map and register.

7. (*1*) The Superintendent shall prepare a map and a register of all lands which have been surveyed under this Act.

(*2*) To every piece of land separately shown on the map and entered in the register an indicative number shall be assigned, and the name of the person appearing to be the holder thereof at the time of the survey shall be entered in the register.

(*3*) Nothing contained in such map or register shall affect the rights of any person.

Superintendent may erect boundary marks.

8. The Superintendent may at any time cause to be erected, on any land which is to be, or has been, surveyed under this Act, temporary or permanent boundary marks of such materials and in such number and manner as he may determine to be sufficient for the purpose of the survey:

Provided that no permanent boundary marks shall be erected when the boundary is defined by a permanent building, wall or fence.

Maintenance of temporary boundary marks.

9. (*1*) When any temporary boundary mark has been erected under section 8, the Superintendent may cause a notice in writing under his hand to be served on the holder of the land whereon, or adjoining which, such boundary mark is situate requiring him to maintain such boundary mark till the survey has been completed.

(*2*) Should such holder not comply with such notice, the Superintendent may repair the boundary mark and expenses shall be recoverable from such holder as an arrear of land revenue under the provisions of the Bombay City Land-revenue Act, 1876. Bom. II of 1876.

Survey-fee may be charged.

10. (*1*) The holder of any land surveyed under this Act shall be liable to the payment of a survey-fee assessed on the area and rateable value of such land:

Provided that the aggregate amount of the survey-fees assessed under this section shall not be greater than one-half of the total cost of the survey.

(*2*) The amount of the survey-fee payable under sub-section (*1*) shall be regulated by the Collector in accordance with rules made by the [1][Provincial Government] under section 18 :

Provided that—

(*a*) no survey-fee shall be payable by [2][the Crown] or by the Municipal Corporation of the City of Bombay or by the Trustees for the Improvement of the City of Bombay or by the Trustees of the Port of Bombay ;

(*b*) the holder of any land of which the area and rateable value do not exceed such limit as may be prescribed by rule made by the [1][Provincial Government] under section 18 shall be exempt from the payment of any survey-fee in respect of that land ;

(*c*) no survey-fee shall be payable in respect of buildings and lands exclusively occupied for public worship or for charitable purposes which under the City of Bombay Municipal Act, 1888, are exempt from the levy of the general tax.

Bom. III of 1888.

(*3*) Any survey-fee assessed in accordance with sub-sections (*1*) and (*2*) shall be payable within three months from the date of a notice to be served by the Collector upon the person liable therefor after the completion of the survey of the Town and Island of Bombay, and such survey-fee shall be leviable as an arrear of land revenue under the provisions of the Bombay City Land-revenue Act, 1876.

Bom. II of 1876.

(*4*) Any person who has paid the survey-fee assessed on any land under this section shall be entitled to receive free of charge a certified extract from the map and a certified extract from the register prepared under section 7, so far as they relate to such land.

All documents connected with the survey to be sent to the Collector.

11. (*1*) After the survey of any part of the town has been completed, the Superintendent shall deposit with the Collector all maps, registers and other documents connected with the survey of such part.

(*2*) Such deposit shall be notified in the [3][*Official Gazette*], and any person interested in the survey may, at any time within two months from the date of such notification, inspect such maps, registers and other documents free of charge.

(*3*) During such period the Collector may, if necessary and without prejudice to the rights of any of the parties concerned, cause the map or the register prepared under section 7 to be corrected free of charge.

Maintenance of survey map and register.

12. (*1*) The map and register prepared under section 7 shall be maintained by the Collector, who shall cause the map to be revised and the entries in the register to be corrected from time to time as may be necessary, without prejudice to the rights of any person :

Provided that no person shall for the purposes of this Act be required to give notice of the acquisition of any interest in land.

(*2*) The Collector may assess the cost of the revision of any part of the map and all contingent expenses on the land to which such part relates, and such cost shall be payable by the holder of such land, subject to the same exemption as is provided in section 10, sub-section (*2*), proviso (*a*), with reference to the payment of survey-fees and shall be leviable as an arrear of land revenue under the provisions of the Bombay City Land-revenue Act, 1876.

Bom II of 1876.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Crown" were substituted for the word "Government", *ibid.*

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Revision of maps.

13. Subject to rules made in this behalf by the [1][Provincial Government] under section 18, any officer acting under the orders of the Collector of Bombay may, for the purpose of revising any map prepared under this Act, exercise any of the powers of a Superintendent under this Act.

How notices may be served.

14. Every notice required by this Act to be served on any person may be served—

(*a*) by delivering the same to such person, or when such person cannot be found, by posting the same on some conspicuous part of the house in which such person usually resides or holds his office or carries on his business, or by delivering the same to an agent or servant of such person, or to a male adult member of his family, and, in the case of a notice served under section 9 or section 16, by fixing a copy in some conspicuous manner on the land to which it relates, or

(*b*) by sending a registered cover through the post office containing such notice addressed to such person at the place where he resides.

Privilege of title-deeds.

15. (1) No person shall for the purposes of this Act be compelled to produce his title-deeds to any land or to disclose their contents.

(2) Any person who has paid the survey-fee assessed on any land under this section shall be entitled to receive a certificate from the Collector upon the payment of any land revenue under [*Bom. Act of 1876*] *Bombay City Land-revenue Act, 1876* (*Bom. Act of 1876*).

[Amendments made by sections 16 and 17 have been incorporated in the

Rules.

18. (1) The [1][Provincial Government] may make rules not inconsistent with this Act to carry out the objects and provisions thereof.

(2) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

Proceedings not to be affected by informality.

19. No proceedings under this Act shall be affected by reason of any informality, provided that the provisions of this Act be in substance and effect complied with.

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

THE BOMBAY DISQUALIFICATION OF ALIENS ACT, 1918.

CONTENTS.

PREAMBLE

Sections.

1. Short title.
2. Definitions.
3. Disqualification of aliens.
4. Effect of subsequent disqualification.
5. Exemption.
6. Modification of Schedule.

THE SCHEDULE.

BOMBAY ACT No. VI OF 1918.[1]

[THE BOMBAY DISQUALIFICATION OF ALIENS ACT, 1918.]

[*17th September 1918*].

Repealed in part by Act 38 of 1920.

Amended by Bom. 4 of 1920.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to disqualify certain aliens from being members, and from voting at elections of members, of certain local authorities in the presidency of Bombay.

WHEREAS it is expedient that certain aliens should be disqualified from being members, and from voting at elections of members, of certain local authorities in the presidency of Bombay; It is hereby enacted as follows:—

1. This Act may be called the Bombay Disqualification of Aliens Act, 1918. Short title.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

[2][(*a*) "alien" means—

(*i*) a person who is neither a British subject nor a subject of [3][an Indian State], or

(*ii*) a person who, whether he is himself within the foregoing definition or not, represents an alien firm as defined in clause (*aa*) for the purpose of voting at an election of a member of any of the local authorities specified in the schedule or for the purpose of membership of any of the said authorities;

(*aa*) "alien firm" means any firm, company, association or body of individuals (whether incorporated or not), a majority of the members of which are aliens as defined in sub-clause (*i*) of clause (*a*), or the business of which is carried on under the control or mainly for the benefit of aliens as so defined;]

[4](*b*) " * * * * *.

(*c*) "member" includes a municipal councillor and a member of a body of trustees.

3. Save as hereinafter otherwise provided, no alien shall be qualified to be a member of any of the local authorities specified in the schedule or to vote at any election of a member of any of the said authorities. Disqualification of aliens.

4. (*1*) If any person having become a member of any of the local authorities specified in the schedule, subsequently becomes an alien, his seat shall thereupon become vacant. Effect of subsequent disqualification.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1918, Part V, page 266; and for Proceedings in Council, *see ibid.*, 1918, Part V, pages 857 to 889.

[2] These clauses were substituted for original clause (*a*) by s. 2 of the Bombay Disqualification of Aliens (Amendment) Act, 1920 (Bom. 4 of 1920).

[3] The words "an Indian State" were substituted for the words "a State in India" by the Adaptation of Indian Laws Order in Council.

[4] Clause (*b*) was omitted, *ibid.*

(2) Section 18 of the [1]City of Bombay Municipal Act, 1888, shall be read and construed as if, after the word "aforesaid", the words "or under the Bombay Disqualification of Aliens Act, 1918", were inserted. Bom. III of 1888.

(3) Section 15, sub-section (3) of the [1]Bombay District Municipal Act, 1901, shall be read and construed as if, after the word "section" the words "or under the Bombay Disqualification of Aliens Act, 1918", were inserted. Bom. III of 1901.

Exemption.

5. The [2][Provincial Government] [3]* * * may, by notification in the [4][*Official Gazette*], exempt any person or class of persons from the operation of this Act.

Modification of Schedule.

6. The [2][Provincial Government] may, by notification in the [4][*Official Gazette*], direct that the name of any of the local authorities specified in the Schedule shall be omitted therefrom, or that the name of any other local authority shall be entered therein, and such direction shall have effect accordingly.

THE SCHEDULE.

Local Authority.	Enactment under which the local authority is constituted.
The trustees of the port of Bombay ...	The Bombay Port Trust Act, 1879 (Bom. VI of 1879).
All local boards ...	[5]The Bombay Local Boards Act, 1884 (Bom. I of 1884).
The trustees of the port of Karachi ...	The Karachi Port Trust Act, 1886 (Bom. VI of 1886).
The Municipal Corporation of the City of Bombay.	The City of Bombay Municipal Act, 1888 (Bom. III of 1888).
[6]* * *	* * *
The trustees for the improvement of the City of Bombay.	[7]The City of Bombay Improvement Act, 1898 (Bom. IV of 1898).
All municipalities in municipal districts outside the City of Bombay.	The Bombay District Municipal Act, 1901 (Bom. III of 1901).

[1] *Supra.*

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] The words "with the approval of the Governor-General in Council" were repealed by s. 2 and Schedule I of the Devolution Act, 1920 (38 of 1920).

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[5] *See* now Bom. 6 of 1923.

[6] The entry relating to the trustees of the port of Aden was omitted by the Adaptation of Indian Laws Order in Council.

[7] The City of Bombay Improvement Act, 1898 (Bom. 4 of 1898), has been repealed by Bom. 16 of 1925 which in turn is repealed by Bom. 13 of 1933.

THE BOMBAY PUBLIC CONVEYANCES ACT, 1920.

CONTENTS.

PREAMBLE.

Sections.

1. Short title and extent.

2. Definitions.

Licensing of Public Conveyances.

3. Public conveyances to be licensed.

4. Licences for public conveyances.

5. Grounds on which licence may be refused or cancelled.

6. Number, etc., to be inscribed on conveyance.

7. Fees for public conveyance licences.

Licensing of horses.

8. Licensing of horses.

9. Branding of horses.

10. Grounds on which licence for horse may be refused or cancelled and examination by a veterinary practitioner.

Licensing of Drivers.

11. Drivers to be licensed.

12. Grounds on which driver's licence may be refused or cancelled.

13. Drivers' badges.

14. Fees for drivers' licences.

Provisions relating to licensees.

15. Licences when suspended or cancelled to be returned.

16. Change of address of licensee to be reported.

16A. Licensee to report name of person left in charge of conveyance during his absence.

17. Public conveyance or horse to be produced for inspection when required.

Fares and stands.

Sections.

18. Rates of fares

19. Stands.

20. Driver to have his licence as driver and list of fares.

21. Book of fares to be issued.

Offences and punishments.

22. Keeping public conveyance without licence.

23. Failure to cause public conveyance to ply when so required by the police.

24. Licensee of public conveyance permitting unlicensed driver to use the same or permitting the same to be drawn by unlicensed horse.

25. Failure to produce public conveyance or horse for inspection.

26. Offences by drivers of public conveyances.

27. Failure to return licence or to notify address.

28. Injury to public conveyance.

29. Compensation payable by driver causing damage.

Procedure.

30. Arrest by police.

31. Procedure in case of dispute.

32. Licensee may be required to produce driver : penalty.

33. Refusal to pay fare.

Miscellaneous.

34. Disposal of property : penalty.

35. Rules.

36. Extension of Act.

37. Power to apply or adapt certain provisions to vehicles not used for the purpose of plying for hire.

38. Powers may be exercised from time to time.

39. Repeal of certain enactments.

THE SCHEDULE.

BOMBAY ACT No. VII OF 1920.[1]

[THE BOMBAY PUBLIC CONVEYANCES ACT, 1920.]

[*17th June 1920.*]

Amended by Bom. 2 of 1924 ;
" " " 11 of 1924 ;
" " " 7 of 1928.
Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 18 of 1943 ;*
" " " 17 of 1945 ;§
" " " 18 of 1948.

An Act to amend the Law relating to the regulation of public conveyances.

[2][WHEREAS it is expedient to amend the law relating to the regulation of public conveyances; AND WHEREAS it is expedient to provide for prohibiting the plying of certain classes of vehicles as public conveyances; it is hereby enacted as follows :—]

Short title and extent.

1. (*1*) This Act may be called the Bombay Public Conveyances Act, 1920.

(*2*) This section and sections 36, 38 and 39 extend to the whole of the Presidency of Bombay. The rest of the Act extends, subject to the provisions of section 36, only to the [3][Greater Bombay.]

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*a*) "Commissioner of Police" means the Commissioner of Police for the [3][Greater Bombay] and includes any person authorised by him to exercise or perform any power or duty imposed or conferred on the Commissioner of Police by this Act ;

[4][(*b*) "public conveyance" means any wheeled vehicle, drawn or propelled on roads and used for the purposes of plying for hire for the conveyance of persons or goods but does not include a motor vehicle as defined in the Motor Vehicles Act, 1939, or a vehicle running upon fixed rails ;]

IV of 1939.

[5][(*c*) "licensing year" means the year commencing on such date as the Commissioner of Police shall, subject to the condition of previous publication, fix for the purpose of licences granted under this Act ;]

(*d*) "driver" includes a conductor, attendant or other person in charge of a public conveyance ;

(*e*) "licensee" means the holder of a licence granted under this Act for a public conveyance or a horse or a driver of a public conveyance.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1919, Part V, page 945 ; for Report of Select Committee, *see ibid.*, 1920, Part V, page 51 ; and for Proceedings in Council, *see ibid.*, 1919, Part V, page 1092 ; *ibid.*, 1920, page 265.

[2] This preamble was substituted for the original by Bom. 18 of 1948, s. 3.

[3] These words were substituted for the words "City of Bombay" by Bom. 17 of 1945, s. 9, and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[4] This clause was substituted for the original by Bom. 18 of 1943, s. 2, read with Bom. 18 of 1948, s. 2.

[5] Clause (*c*) was substituted for the original by Bom. 7 of 1928, s. 2.

*This Act was repealed and section 2 thereof was re-enacted by Bom. 18 of 1948, s. 2.

§This Act has been re-enacted and the amendments made by section 9 and Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

Licensing of Public Conveyances.

Public conveyances to be licensed.

3. (*1*) No person shall keep or let for hire any public conveyance without a licence granted by the Commissioner of Police in this behalf.

(*2*) On every public conveyance—

(*a*) the number of the conveyance as entered in the licence granted for the same, and

(*b*) where the conveyance is licensed to carry passengers, the number of passengers which it is licensed to carry,

shall be clearly inscribed in such manner as the Commissioner of Police may direct.

Licences for public conveyances.

4. (*1*) Such licences shall remain in force for the licensing year, unless sooner determined under the provisions of this Act, and shall be renewable.

(*2*) Such licences shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe :—

(*a*) the full name and address of the licensee ;

(*b*) the date on which the licence was granted and the date on which it will expire by efflux of time ;

(*c*) the local area for which the licence is granted ;

(*d*) the number and class of the conveyance ;

(*e*) the number of horses or other animals (if any) by which it is to be drawn ;

(*f*) the number of passengers (if any) which it may carry.

(*3*) Such licences shall not be transferred by the licensee to any other person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction when granted shall be endorsed on the licence.

Grounds on which license may be refused or cancelled.

5. [1][(*1A*) The Commissioner of Police may refuse to grant licences for any class of vehicles if, in his opinion, it is undesirable that such vehicles should be used as public conveyances. The Commissioner of Police may, on the same ground, refuse to renew, and may, at any time, cancel the licences already granted for such vehicles. On such cancellation the licensee shall be granted out of the fees paid by him for the licence a refund of a sum equal to the amount of fees payable for the unexpired portion of the licence calculated in proportion to the amount paid for the full period of the licence.]

(*1*) The Commissioner of Police may refuse to grant a licence for a public conveyance if in his opinion the conveyance is insufficiently found or is otherwise unfit for the purpose for which it is intended.

(*2*) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a licence for a public conveyance on either of the foregoing grounds or if in his opinion—

(*i*) the licensee has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the licence, or

(*ii*) a conveyance licensed for carrying goods has been used for carrying passengers.

(*3*) When refusing to renew, or suspending or cancelling, a licence for a public conveyance, the Commissioner of Police may erase the inscription made thereon in accordance with this Act.

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[1] This sub-section was inserted by Bom. 18 of 1948, s. 4.

6. (*1*) When granting or renewing a licence for a public conveyance, and at other times when necessary, the Commissioner of Police shall cause the particulars required by clauses (*a*) and (*b*) of sub-section (*2*) of section 3 to be painted or otherwise clearly inscribed upon the conveyance. Number, etc., to be inscribed on conveyance.

(*2*) No fee shall be charged for any inscription made under the foregoing sub-section when it is made at the time when the licence is granted or at the annual renewal of the licence, but when such inscription is made at any other time [1][the licensee shall pay such sum towards the cost of such inscription as the Commissioner of Police shall by rules direct].

7. (*1*) For the grant of a licence for a public conveyance a fee shall be charged at such rate as the Commissioner of Police shall prescribe. Fees for public conveyance licences.

(*2*) For the renewal of such licence a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged.

Licensing of horses.

8. (*1*) No horse shall be used for drawing a public conveyance except under a licence granted by the Commissioner of Police in respect of such horse. Licensing of horses.

(*2*) Such licences shall remain in force for the licensing year unless sooner determined under this Act, and shall be renewable.

(*3*) Such licences shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe:

(*a*) the full name and address of the licensee;

(*b*) the date on which the licence was granted and the date on which it will expire by efflux of time;

(*c*) the local area for which the licence is granted;

(*d*) a description of the horse for which the licence is granted and the marks of identification of the same;

(*e*) the class of conveyance to draw which the horse may be used.

(*4*) Such licences may not be transferred by the licensee to any person without the sanction of the Commissioner of Police and if transferred without such sanction shall thereupon become void. Such sanction shall be endorsed on the licence.

[2][(*5*) Such licences shall if so directed by the Commissioner of Police be carried in the public conveyance for drawing which the horse is being used and shall be produced for inspection whenever required by any police officer.]

9. When granting a licence for a horse the Commissioner of Police [3][may, if he thinks it necessary] brand such horse on the hoof in such manner that it may be easily identified. Branding of horses.

10. (*1*) The Commissioner of Police may refuse to grant or renew, and may at any time suspend, a licence for a horse if in his opinion such horse is in any way unfit for use in a public conveyance. Grounds on which licence for horse may be refused or cancelled and examination by a veterinary practitioner.

(*2*) In case of such refusal or suspension the owner of the horse or licensee, as the case may be, may require that such horse be examined by a veterinary practitioner of the Government or of a local authority, and, if in the opinion of such practitioner the horse is fit for use in a public conveyance, the Commissioner of Police shall grant or renew the licence or cancel the order of suspension.

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[1] These words were substituted for the words "a fee at one-half of the rate chargeable for the grant of a licence for a public conveyance under section 7, sub-section (*1*), shall be charged" by Bom. 7 of 1928, s. 3.

[2] This sub-section (*5*) was added, *ibid.*, s. 4.

[3] These words were substituted for the word "shall", *ibid.*, s. 5.

Licensing of Drivers.

Drivers to be licensed.

11. (*1*) No person shall act as driver of a public conveyance without a licence granted by the Commissioner of Police in this behalf.

(*2*) Such licences shall remain in force for the licensing year unless sooner determined under this Act, and shall be renewable.

(*3*) Such licences shall contain the following and such other particulars and conditions as the Commissioner of Police may prescribe :

(*a*) the full name and address of the licensee ;

(*b*) the date on which the licence was granted and the date on which it will expire by efflux of time ;

(*c*) the local area for which the licence is granted ;

(*d*) the class of public conveyance which the licensee is licensed to drive.

Grounds on which driver's licence may be refused or cancelled.

12. (*1*) The Commissioner of Police may refuse to grant a licence to a driver if in his opinion such driver [1][is not competent and careful or] is unfit on account of youth, infirmity, bad character or any other reason to pursue the occupation of driver of a public conveyance.

(*2*) The Commissioner of Police may refuse to renew, and may at any time suspend or cancel, a driver's licence on the foregoing grounds or if the holder has committed a breach of any provision of this Act or of a rule made under this Act or of a condition of the licence.

Drivers' badges.

13. (*1*) When granting a licence to a driver the Commissioner of Police shall provide him with a metal badge bearing the number of the licence.

(*2*) Every driver who has received such badge shall wear the same on a conspicuous part of his dress at all times when pursuing his occupation as driver.

(*3*) No driver who has received such badge shall permit any other person to wear the same : provided that any person, other than the driver to whom a badge has been given by the Commissioner of Police, who shall wear such badge shall be presumed, until the contrary is proved, to wear it with such driver's permission.

Fees for drivers' licences.

14. (*1*) For the grant of a licence to a driver a fee shall be charged at such rate as the Commissioner of Police shall prescribe.

(*2*) For the renewal of such licence a fee at one-half of the rate chargeable under the foregoing sub-section shall be charged.

Provisions relating to licensees.

Licences when suspended or cancelled to be returned.

15. Every licence which has been suspended or cancelled shall be returned by the licensee to the Commissioner of Police within twenty-four hours after the suspension or cancellation thereof.

Change of address of licensee to be reported.

16. Whenever a licensee shall change his residence he shall within one week thereafter give notice thereof in writing signed by himself to the Commissioner of Police.

[1] These words were inserted by Bom. 2 of 1924, s. 2.

[1][16A. Whenever the licensee of a public conveyance shall be absent from the [2][Greater Bombay] for a period exceeding fifteen days he shall, if the public conveyance is used for the purpose of plying for hire, give, previous to his departure, notice thereof in writing signed by himself to the Commissioner of Police. Such notice shall state the name of the person left in charge of the public conveyance. Such person shall, until the return of the licensee, perform all the duties of a licensee of a public conveyance and be liable to all the penalties to which such licensee is liable under this Act.] Licensee to report name of person left in charge of conveyance during his absence.

17. Every licensee of a public conveyance or horse shall produce such conveyance or horse for inspection whenever the Commissioner of Police shall require him to do so. Public conveyance or horse to be produced for inspection when required.

Fares and stands.

18. The Commissioner of Police shall, subject to the conditions of previous publication and the previous sanction of the [3][Provincial Government], fix the legal rates of fares for public conveyances. Rates of fares.

19. The Commissioner of Police shall appoint stands or places, at which alone public conveyances may stand to ply for hire [4][and may, at any time, abolish any such stand or place]. Stands.

20. (*1*) Every driver of a public conveyance shall have with him when pursuing his occupation as driver the licence granted to him under section 11 of this Act and a clean and legible list, in English and such vernacular language or languages as the Commissioner of Police may direct, bearing the name in full of the licensee of the conveyance and showing the rates of fares fixed for the time being for the hire of the conveyance, with an abstract of the law relating to public conveyances. Driver to have his licence as driver and list of fares.

(*2*) Every such driver shall on demand by a police officer produce for inspection such licence and list.

(*3*) Every such driver shall on demand produce such list for the information of any hirer of, or passenger travelling in, the conveyance.

21. Lists of the fares fixed for public conveyances, as for the time being in force, together with the abstract referred to in the preceding section, shall be prepared by the Commissioner of Police and sold to the public at a reasonable price. Book of fares to be issued.

Offences and punishments.

22. Any person who shall— Keeping public conveyance without licence.

(*a*) keep or let for hire any public conveyance without a licence granted by the Commissioner of Police in this behalf and for the time being in force, or

(*b*) who shall keep or let for hire any public conveyance on which the number and other particulars required by section 3 are not clearly inscribed in such manner as the Commissioner of Police directs,

shall be punishable with fine which may extend to one hundred rupees.

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[1] Section 16A was inserted by Bom. 7 of 1928, s. 6.

[2] These words were substitued for the original by Bom. 17 of 1945, s. 9, and Sch, E, read with Bom. 52 of 1947, s. 2, proviso.

[3] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] These words were added by Bom. 7 of 1928, s. 7.

Failure to cause public conveyance to ply when so required by the police.

23. Any licensee of a public conveyance who shall without sufficient reason fail to cause such conveyance to ply for hire when required to do so by a police officer and any driver of a public conveyance who shall without sufficient reason fail duly to pursue his occupation when required to do so by a police officer, shall be punishable with fine which may extend to fifty rupees.

Licensee of public conveyance permitting unlicensed driver to use the same or permitting the same to be drawn by unlicensed horse.

24. Any licensee of a public conveyance who shall, when the same is used for the purpose of a public conveyance, permit any person to act as driver thereof other than a driver duly licensed under this Act, or who shall, when such conveyance is used for the purpose aforesaid, permit the same to be drawn by a horse other than a horse for which a licence is in force under this Act, shall be punishable with fine which may extend to fifty rupees.

Failure to produce public conveyance or horse for inspection.

25. Whoever, being the licensee of a public conveyance or horse, shall fail to produce such conveyance or horse for inspection when required to do so by the Commissioner of Police shall be punishable with fine which may extend to twenty rupees.

Offences by drivers of public conveyances.

26. (*1*) Whoever shall act as driver of a public conveyance without a driver's licence granted by the Commissioner of Police in this behalf and for the time being in force, or [1][without a badge, if he has received a badge from the Commissioner of Police, or, when acting as such driver, shall fail to wear a badge so received] on a conspicuous part of his dress; and

(*2*) Whoever, being the driver of a public conveyance, shall—

(*a*) permit any other person to use his licence or badge;

(*b*) permit more passengers to be carried in a public conveyance than it is licensed to carry;

(*c*) conceal or permit to be concealed from public view the inscription made on a public conveyance in accordance with this Act, or prevent or attempt to prevent any person taking note of such inscription;

(*d*) permit any person to be carried, without the express consent of the hirer, in a public conveyance the whole of which has been hired by any person;

(*e*) fail to produce, on demand by a police officer, the licence, [2][if any], granted to him under [3][section 8 or section 11] or a list of the legal rates of fares as required by this Act;

(*f*) fail to produce, on demand by a hirer of, or passenger travelling in, a public conveyance a list of the legal rates of fares for such conveyance as required by this Act;

(*g*) refuse or neglect to give way, if he conveniently can, to any private conveyance, or obstruct or hinder the driver of any other public conveyance in taking up or setting down any person into or from such other public conveyance;

(*h*) be intoxicated at any time while pursuing his occupation as driver;

(*i*) make use of insulting or abusive language or gesture;

(*j*) refuse to obey the reasonable orders of any person hiring a public conveyance of which he is in charge;

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[1] These words were substituted for the words "without a badge granted to him by the Commissioner of Police or, when acting as such driver, shall fail to wear such badge" by Bom. 7 of 1928, s. 8 (*a*).

[2] The words "if any" were inserted, *ibid.*, s. 8 (*b*).

[3] The words and figures "section 8 or section 11" were substituted for the word and figures "section 11", *ibid.*

(*k*) when acting as driver, permit the inside of a public conveyance of which he is in charge to be dirty; or

(*l*) when in charge of a public conveyance other than a cart used for conveyance of goods,—

(*i*) demand prepayment of his fare, or

(*ii*) refuse without reasonable cause to carry any person desiring to hire the conveyance, or

(*iii*) refuse or delay to proceed with reasonable expedition, or

(*iv*) demand for the hire of the conveyance more than the legal fare, or

(*v*) stand to ply for hire at any place other than a stand or place appointed under this Act or loiter for the purpose of being hired in or upon any public street, road or place,

shall be punishable with fine which may extend to fifty rupees.

Failure to return licence or to notify address.

27. Any licensee—

(*a*) who shall fail to return a licence which has been suspended or cancelled to the Commissioner of Police within twenty-four hours after the suspension or cancellation thereof, or

(*b*) who, after changing his residence, shall fail to give notice thereof in writing signed by himself to the Commissioner of Police within one week after such change has taken place, or

[1][(*bb*) who, before leaving the [2][Greater Bombay] for a period exceeding fifteen days shall fail to give notice thereof in writing signed by himself to the Commissioner of Police, or]

(*c*) who shall contravene any condition of his licence,

shall be punishable with fine which may extend to twenty rupees.

Injury to public conveyance.

28. Any person using a public conveyance who shall wilfully or negligently injure the same shall be punishable with fine which may extend to twenty rupees, and shall also pay the owner of such conveyance such compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Compensation payable by driver causing damage.

29. The driver of any public conveyance who shall by negligence or misconduct cause any hurt or damage shall, in addition to any punishment to which he may be liable by law, pay the complainant such reasonable compensation as the Magistrate may direct, and such compensation shall be leviable as a fine.

Procedure.

Arrest by police.

30. Any police officer may arrest without warrant any person who has committed any offence under this Act, and may seize and detain any conveyance or horse in relation to which such offence has been committed.

Procedure in case of dispute.

31. (*1*) In case of any dispute between the hirer and driver of a public conveyance, either party may require the other to proceed forthwith to the nearest Magistrate's Court, where the dispute shall be determined in a summary manner by the Magistrate then sitting.

(*2*) If no Magistrate is then sitting, either party may require the other to proceed to the [3][officer in charge of the nearest police station] who shall, if necessary, arrange for the hearing of the case at the next sitting of the Court.

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[1] Clause (*bb*) was inserted by Bom. 7 of 1928, s. 9.

[2] These words were substituted for the original by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[3] These words were substituted for the words "nearest police officer of rank not below that of inspector" by Bom. 7 of 1928, s. 10.

(*3*) On failure of either party to appear before the Magistrate in pursuance of a requisition under sub-section (*1*) or sub-section (*2*), or to attend the Court at any subsequent sitting to which the case may be adjourned, the Magistrate may decide the case *ex parte* and his decision shall be binding on both parties.

(*4*) Provided that, if the hirer is about to leave the [1][Greater Bombay.] a police officer to whom reference has been made under sub-section (*2*) may, after hearing both parties, require the hirer to deposit such sum, if any, as appears to be due by him, and, if any compensation appears to be due under section 28, an additional sum of ten rupees, and the hirer shall not be required to attend the Magistrate's Court. The police officer shall report the dispute to the Magistrate and the Magistrate may award the driver such sum, if any, not being in excess of the amount deposited by the hirer, as he considers just, and if any offence appears to have been committed, shall inquire into the same according to law, In either case where any surplus remains of the deposit made by the hirer, the Magistrate shall give notice hereof to the hirer and return it to him on demand.

(*5*) Where the Magistrate is satisfied that one party had no reasonable ground for requiring the other party to proceed to his Court or to the nearest police officer, he may direct the former party to pay to the latter such compensation not exceeding fifty rupees as he thinks fit, and such compensation shall be leviable as a fine.

Licensee may be required to produce driver:

32. (*1*) When a complaint is made before a Magistrate against a driver of a public conveyance under this Act, the Magistrate may, if the driver fails to appear, summon the licensee of such conveyance to appear and produce the driver.

penalty.

(*2*) If the licensee after being duly summoned fails without reasonable excuse to appear or to produce the driver he shall be punishable with fine not exceeding fifty rupees.

Refusal to pay fare.

33. If any person who has hired a public conveyance refuses to pay the legal fare thereof, the Magistrate may order payment of such fare and also of reasonable compensation for loss of time; such fare and compensation shall be leviable as a fine.

Miscellaneous.

Disposal of property; penalty.

34. (*1*) All property left in any public conveyance shall be forthwith deposited by the licensee or driver of such conveyance at the nearest police station.

(*2*) The Commissioner of Police shall cause such property to be returned to such person as shall prove to his satisfaction that he is entitled to the same, on payment by such person of all expenses reasonably incurred and of such compensation to the driver of the public conveyance as the Commissioner of Police may consider just.

(*3*) Any licensee or driver failing to deposit any property as required by sub-sub-section (*1*) shall be punishable with fine which may extend to fifty rupees.

Rules.

35. [2](*1*) The Commissioner of Police, subject to the condition of previous publication, may make rules not inconsistant with this Act.—

(*a*) fixing the sum to be paid towards the cost of an inscription under sub-section (*2*) of section 6;

(*b*) generally for the regulation of public conveyances.

[1] These words were substituted for the original by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 5, proviso.

[2] Sub-section (*1*) was substituted for the original by Bom. 7 of 1928, s. 11 (*a*).

(*2*) Such rules shall be published in the [1][*Official Gazette*].

[2][(*3*) Such rules may provide that a contravention thereof shall be punishable with fine which may extend to thirty rupees.]

Extension of Act.

36. (*1*) The [3][Provincial Government] or the Commissioner of a division may by notification in the [1][*Official Gazette*] extend this Act or any specified provisions thereof to any area within [4][its or his] jurisdiction from a date to be stated in such notification.

(*2*) Where this Act or any portion thereof is extended to any such area, the [3][Provincial Government] or the Commissioner of the division, as the case may be—

(*a*) shall by notification appoint some person to perform the functions assigned by this Act to the Commissioner of Police, and

(*b*) may by notification direct that any particular Magistrates or classes of Magistrates shall exercise jurisdiction under this Act, and

[5][(*c*) may by notification direct that any class of vehicles shall be exempt from all or any of the provisions of this Act.]

(*3*) A notification under this section extending this Act or any portion thereof to any area shall be published at least thirty days before the date fixed for its coming into effect.

[6][(*3A*) When this Act or any specified provisions thereof are extended to any area by a notification under this section the expression [7][" Greater Bombay "] occurring in the foregoing provisions of this Act shall be construed as meaning the area to which this Act or any specified provisions thereof are extended by such notification.]

(*4*) When this Act or any portion thereof is extended to any area, the powers of fixing fees and of appointing [8][and abolishing] stands and of making rules shall be exercised subject to the approval of the [3][Provincial Government] or the Commissioner of the division, as the case may be.

[9](*5*) * * * * * * *

Power to apply or adapt certain provisions to vehicles not used for the purpose of plying for hire.

[10]**37.** The [11][Provincial Government], or, in any area to which this Act or any specified provisions thereof have been extended under section 36 the [3][Provincial Government], or the Commissioner of a division, as the case may be, may, by notification in the [11][*Official Gazette*], apply or adapt all or any of the provisions of this Act, except those which relate to plying for hire, or any part of any such provision, to vehicles or to any class of vehicles which are kept, or ordinarily let, for hire, but which are not used for the purpose of plying for hire.

Explanation.—A vehicle shall not be deemed to be kept for hire if it is let for hire only occasionally by private agreement.

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[1] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[2] Sub-section (*3*) was inserted by Bom. 7 of 1928, s. 11 (*b*).

[3] The words "Provincial Government" were substituted for the words "Commissioner in Sind" by the Adaptation of Indian Laws Order in Council.

[4] The words "its or his" were substituted for the word "his", *ibid.*

[5] Clause (*c*) was substituted for the original clause by Bom. 7 of 1928, s. 12 (*a*).

[6] Sub-section (*3A*) was inserted, *ibid.*, s. 12 (*b*).

[7] These words were substituted for the original by Bom. 17 of 1945, s. 9 and Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[8] These words were inserted by Bom. 7 of 1928, s. 12 (*c*).

[9] Sub-section (*5*), which was substituted for the original sub-section (*5*) by s. 2 of Bom. 11 of 1924, was omitted, *ibid.*

[10] Section 37 was substituted for the original section by Bom. 7 of 1928, s. 13.

[11] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

38. All powers conferred by this Act may be exercised from time to time as occasion requires.

Powers may be exercised from time to time.

39. The enactments specified in the Schedule are hereby repealed to the extent stated in the fourth column thereof.

Repeal of certain enactments.

THE SCHEDULE.

(See section 39.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
		Act of the Governor General in Council.	
1895	XVI	The Amending Act, 1895 ..	The entry in the second Schedule relating to Bombay Act No. VI of 1863.
		Acts of the Governor of Bombay in Council.	
1863	VI.	An Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay.	So much as has not been repealed.
1887	V	An Act to amend Bombay Act No. VI of 1863.	The whole.
1915	III	[1]The Bombay Decentralization Act, 1915.	The entry in Schedule I relating to Bombay Act No. VI of 1863.

[1] *See supra.*

THE CITY OF BOMBAY PRIMARY EDUCATION ACT, 1920.

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BOMBAY ACT No. XV OF 1920.[1]

[THE CITY OF BOMBAY PRIMARY EDUCATION ACT, 1920.]

[*13th December 1920.*]

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide for the extension of primary education in the City of Bombay.

WHEREAS it is expedient to provide for the extension of primary education in the City of Bombay; It is hereby enacted as follows:—

Short title, extent and construction.

1. (*1*) This Act may be called the City of Bombay Primary Education Act, 1920.

(*2*) It extends only to the City of Bombay.

Bom. III of 1888.

(*3*) It shall be construed as part of and supplementary to the City of Bombay Municipal Act, 1888, hereinafter called "the principal Act".

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) to "attend" a recognized primary school means to be present for instruction at such school on such days and at such time or times on each day as may be required by the Schools' Committee with the approval of the prescribed educational authority;

(*2*) "child" means a child whose age is not less than six and not more than eleven years;

(*3*) "parent" includes a guardian and any person who has the actual custody of a child;

(*4*) "prescribed" means prescribed by rules made by the [2][Provincial Government] under this Act;

(*5*) "primary education" means such education as is for the time being recognized as such by the [2][Provincial Government].

(*6*) "recognized primary school" means a school (or a department of a school) in which instruction in primary education is given and which is for the time being recognized by the prescribed educational authority;

(*7*) "Schools' Committee" means a committee appointed under section 39 of the principal Act.

Issue of notification making primary education compulsory.

3. (*1*) The Corporation may with the previous sanction of the [2][Provincial Government] declare by notification that the primary education of boys or of girls or of children of both sexes shall be compulsory in the City of Bombay or in any ward or part of a ward thereof from a date to be mentioned in the notification: provided that, where a notification has been issued under this section with reference to children of one sex only, the Corporation may with the like sanction issue a subsequent notification with reference to children of the other sex.

(*2*) A notification under this section shall be published in the [3][*Official Gazette*] and shall be posted at the municipal office and at such other places, if any, as the Corporation shall deem necessary.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1920, Part V, page 391; for Report of Select Committee, *see ibid.*, 1920, Part V, page 754 (*a*); and for Proceedings in Council, *see ibid.*, 1920, Part V, pages 645 and 968.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of India Laws Order in Council.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Corporation to make provision for primary education.

4. A notification shall not be issued under section 3 unless the Corporation satisfy the [1][Provincial Government] that they are in a position to make and will make adequate provision in municipal or other recognized schools for free and compulsory primary education.

Resolution to be passed before issue of notification.

5. A notification shall not be issued under section 3 unless the Corporation have so determined by resolution passed at a general meeting specially called in this behalf, and unless such resolution has been supported by at least two-thirds of the councillors present at the meeting and by at least one-half of the whole number of councillors.

Duty of Schools' Committee.

6. Where a notification has been issued under section 3 for any ward or part of a ward, it shall be the duty of the Schools' Committee, subject to the provisions of this Act and the principal Act, to enforce the provisions of this Act respecting the attendance of children at school and the employment of children.

Duty of parents to cause children to attend school.

7. Where a notification under section 3 is in force in any ward or part of a ward, the parent of every child to which such notification applies shall, in the absence of a reasonable excuse as hereinafter provided, and if such parent and child ordinarily reside in such ward or part of a ward, cause such child to attend a recognized primary school therein.

Meaning of reasonable excuse.

8. A parent shall be deemed to have a reasonable excuse for failure to cause a child to attend a recognized primary school in any of the following cases :—

(*a*) where the child is prevented from attending school by sickness, infirmity or other unavoidable cause ;

(*b*) where the child is receiving, otherwise than in a recognized primary school, instruction which in the opinion of the Schools' Committee is efficient, or has already completed his primary education ;

(*c*) where there is no recognized primary school within one mile, measured according to the nearest road, from the residence of the child.

Issue of attendance order.

9. Where the Schools' Committee is satisfied that the parent of any child who is bound under the provisions of section 7 to cause such child to attend a recognized primary school, has failed to do so, the Schools' Committee, after giving the parent an opportunity of being heard and after such enquiry as it considers necessary, may pass an order directing the parent to cause such child to attend a recognized primary school on and from a date which shall be specified in the order.

Penalty for failure to cause child to attend school.

10. (*1*) Any parent against whom an order with reference to a child has been passed under section 9 and who fails to comply with the provisions of section 7 with respect to such child on and after the date specified in such order, shall, on conviction before a magistrate, be liable to a fine not exceeding five rupees.

(*2*) No court shall take cognizance of an offence under this section except on the complaint of the Schools' Committee.

Penalty for employing child liable for compulsory education.

11. (*1*) Whoever knowingly takes into his employment, either on his own behalf or on behalf of any other person, any child in respect of whom the provisions of section 7 apply, so as to interfere with the efficient instruction of such child, shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

(2) No court shall take cognizance of an offence under this section except on the complaint of the Schools' Committee, and before making any complaint under this section against any person, the Schools' Committee shall, unless such person has previously been convicted under this section in respect of the same child, cause a warning to be given to such person.

Schools' Committee may authorize person to appear.

12. A complaint to a magistrate under section 10 or section 11 may be made on behalf of the Schools' Committee by such person as may be authorized by the committee in this behalf.

Taxation for the purposes of this Act.

13. For the purposes of this Act the Corporation may, under the provisions of the principal Act, impose any fresh tax or increase any tax which is already levied in the municipal district.

Remission of fees.

14. Where a notification under section 3 is in force in any ward or part of a ward, no fee shall be charged in any municipal school in respect of the primary education of any child of the sex specified in such notification whose age does not exceed eleven years.

Power to exempt particular classes or communities.

15. The [1][Provincial Government] may by notification in the [2][*Official Gazette*] exempt any particular class or community from the operation of this Act.

Withdrawal of notification on default.

16. If in the opinion of the [1][Provincial Government], the Corporation have made default in any of the requirements of this Act, after giving the Corporation an opportunity of furnishing an explanation the [1][Provincial Government] may by notification in the [2][*Official Gazette*] cancel any notification which has been issued under section 3.

17. [*Fines to be credited to Corporation.*] *Omitted by the Adaptation of Indian Laws Order in Council.*

Rules.

18. (*1*) The [1][Provincial Government] may by notification in the [2][*Official Gazette*] make rules for the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may be made—

(*a*) prescribing the educational authority by whom the duties imposed by section 2, sub-sections (*1*) and (*6*), shall be performed;

(*b*) prescribing the manner in which application may be made for sanction to issue a notification under section 3;

(*c*) determining generally what shall be considered to be adequate provision for free and compulsory primary education under section 4;

(*d*) requiring the Corporation to prepare and publish a register of children liable for compulsory primary education in the municipal district; and

(*e*) when the [3][Provincial Government] determine to share the cost of providing free and compulsory primary education, specifying the extent to which the cost thereof shall be borne by the [3][Provincial Government].

19–20. [*Amendments made by sections 19 and 20 have been incorporated in Bom. III of 1888.*]

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "Provincial Government" were substituted for the words "local Government", *ibid.*

THE BOMBAY PLEADERS ACT, 1920.

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SCHEDULE I.

SCHEDULE II.

SCHEDULE III.

BOMBAY ACT No. XVII OF 1920.[1]

[THE BOMBAY PLEADERS ACT, 1920.]

[*13th December 1920.*]

Repealed in part by Act 21 of 1926 ;
" " " " " 22 of 1926.

Amended by Bom. 11 of 1928 ;
" " " 6 of 1929 ;
" " " 18 of 1931.

Adapted and modified by the Adaptation of Indian Laws Order in Council.
Amended by Bom. 17 of 1945.*

An Act to consolidate and amend the Law relating to pleaders in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to pleaders in the presidency of Bombay ; and whereas the previous sanction of the Governor General required by section 79, sub-section (*2*), of the Government of India Act, 1915, has been obtained for the passing of this Act ; It is hereby enacted as follows :—

5 and 6 Geo. 5, c. 61.

1. (*1*) This Act may be called the Bombay Pleaders Act, 1920. Short title and extent.

(*2*) It extends to the whole of the presidency of Bombay except Sind [2]* *.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(*1*) " the High Court " means the High Court of Judicature at Bombay ;

(*2*) " court subordinate to the High Court " means any court, tribunal, or person whose decree, order, decision or award is, or may hereafter be, subject to the appellate or revisional jurisdiction of the High Court ;

(*3*) " pleader " means a pleader admitted under this or any previous Act, and includes an attorney of the High Court appearing, leading or acting for a client elsewhere than in [3][the Greater Bombay], but nothing in sections 3, 4, 5, 6, 11, 12, 13, 24, 25, 27 or 30, shall apply to an attorney of the High Court ;

(*4*) " district " means the local limits of the jurisdiction of a principal civil court of original jurisdiction other than the High Court ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1920, Part V, page 420 ; for Report of Select Committee, *see ibid.*, 1920, Part V, page 794 (*a*) ; and for Proceedings in Council, *see ibid.*, 1920, Part V, pages 671 and 971.

[2] The words " and Aden " were omitted by the Adaptation of Indian Laws Order in Council.

[3] These words were substituted for the original by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

* This Act has been repealed and re-enacted and the amendments made by section 9, Sch. E of the said Act have been continued in force by Bom. 52 of 1947, s. 2.

(*5*) "the Letters Patent" means the Amended Letters Patent of the High Court of Judicature for the presidency of Bombay, dated the 28th December 1865, subject to any amendments thereto and alterations therein made or hereinafter to be made pursuant to clause 44 thereof or section 106 (*1A*) of the Government of India Act;

(*6*) "prescribed" means prescribed by rules made under this Act.

Classes of pleaders.

3. Pleaders admitted by the High Court under this Act shall be of two classes, namely, vakils of the High Court and district pleaders.

Sanads.

4. (*1*) The High Court shall issue to every pleader on his admission a sanad in form A or form B in Schedule II, as the case may be, or in such other form as the High Court may prescribe.

(*2*) In the case of the sanad of a district pleader, the name of the district [1][or districts] for which the sanad is available shall be specified therein.

Extent and transfer of sanads.

5. (*1*) No district pleader shall hold a sanad in respect of more than one district at the same time:

[2][Provided that when a district for which a sanad is to be issued comprises any area which for the purpose of administration of revenue or criminal justice or both is also included in any other district the sanad may be held in respect of both such districts.]

(*2*) On the application of a district pleader holding a sanad which is available for any [3]* district the High Court may from time to time, by endorsement on such sanad, render the same available for any other district.

(*3*) A pleader holding a sanad in respect of any district may appear, plead and act for a client in any particular civil proceeding in a Court of any other district with the previous written authority of the District Judge in such other district.

Conditions of admission.

6. (*1*) Any person who is duly qualified and is of good moral character and is not in Government service shall be entitled to be admitted as a pleader.

(*2*) The number of pleaders shall not be limited.

(*3*) If a pleader after obtaining a sanad accepts Government service, he shall not be entitled to practise whilst in service, even if he be on leave.

Where vakils of High Court are entitled to practise.

7. (*1*) Subject to the provisions of any law for the time being in force and, with respect to the right of vakils of the High Court to practise in the High Court, subject to any rules for the time being in force under clause 10 of the Letters Patent, a vakil of the High Court shall be entitled to practise—

(*a*) in the High Court;

(*b*) in any court subordinate to the High Court;

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[1] The words "or districts" were inserted by Bom. 6 of 1929, s. 2.

[2] This proviso was inserted, *ibid*, s. 3(*1*).

[3] The word "one" was deleted, *ibid*, s. 3(*2*).

Bom. IV of 1898.

(*c*) before the tribunal of appeal constituted under the [1]City of Bombay Improvement Act, 1898;

(*d*) in or before any other court, tribunal or person in or before which or whom vakils of the High Court are or may hereafter be entitled by law to practise; and

(*e*) before any public officers in any of the following proceedings:—

Bom. III of 1874.

an investigation held in accordance with the first paragraph of section 73 and on appeal under section 77 of the Bombay Hereditary Offices Act;

Bom. V of 1879.

proceedings under section 87 of the Bombay Land Revenue Code, 1879;

Bom. I of 1915.

proceedings before a Tribunal of Arbitration under the Bombay Town Planning Act, 1915;

such proceedings under any enactment in force in the Bombay Presidency as the [2][Provincial Government], by notification in the [3][*Official Gazette*] may specify.

(*2*) The provisions of sub-section (*1*) shall apply, *mutatis mutandis*, to attorneys of the High Court.

Where district pleaders are entitled to practise.

8. Subject to the provisions of any law for the time being in force, district pleader shall, within the district [4][or districts] in respect of which he holds a sanad, be entitled to practise—

(*a*) in such civil court or courts as the District Judge may from time to time assign to him;

(*b*) in any criminal court;

(*c*) in or before any other court, tribunal or person in or before which or whom district pleaders are or may hereafter be entitled by law to practise; and

(*d*) before any public officer in any of the following proceedings:—

Bom. III of 1874.

an investigation held in accordance with the first paragraph of section 73 and an appeal under section 77 of the Bombay Hereditary Offices Act;

Bom. V of 1879.

proceedings under section 87 of the Bombay Land Revenue Code, 1879;

Bom. I of 1915.

proceedings before a Tribunal of Arbitration under the Bombay Town Planning Act, 1915;

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[1] This Act has been repealed by Bom. 16 of 1925 which also has been repealed by Bom. 13 of 1933.

[2] The words "Provincial Government" were substituted for the words "local Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[4] The words "or districts" were inserted by Bom. 6 of 1929, s. 4.

such proceedings under any enactment in force in the Bombay Presidency as the [1][Provincial Government] by notification in the [2][*Official Gazette*], may specify.

Appearance in civil court by unauthorized person forbidden.

9. No person shall appear, plead or act for any party in any civil proceeding in any court unless he is a pleader as defined in this Act and is entitled and duly empowered to appear, plead and act for such party in such proceeding :

Provided that nothing in this section shall apply—

(*a*) to any party appearing, pleading or acting on his own behalf, or appearing or acting by his recognized agent as defined in rule 2, Order III of the Code of Civil Procedure, 1908, or V of 1908.

(*b*) to any advocate of the High Court.

10. [*Cases in which vakalatnama is required.*] *Repealed by Act 22 of 1926, s. 3.*

Retaining fee.

11. (*1*) A party engaging a pleader shall pay him a retaining fee of an amount not less than one rupee.

(*2*) Where a party fails so to do, the pleader shall demand such fee and shall not perform any services for such party until the fee has been paid.

(*3*) Every pleader receiving such fee shall give a receipt in writing for the same, specifying the date of receipt.

Pleader not to act for party adverse to his client, and not to refuse to act for his client without the permission of the Court.

12. No pleader after accepting a retaining fee shall without the permission of the Court—

(*a*) appear, plead or act, or agree so to do, on behalf of any other party whose interest in the case is adverse to that of his client, or

(*b*) refuse or omit to appear, plead or act for his client.

Receipt to be given for documents.

13. Every pleader receiving a document of any kind from his client shall—

(*a*) on demand give a receipt in writing for such document at the time when he receives it, and

(*b*) subject to the provisions of section 30 return such document if his client requires the same and gives a receipt in writing therefor.

Pleaders bound to attend on day fixed for proceeding except in certain cases.

14. (*1*) A pleader shall be bound to attend in court on any day which, by notice duly given or in accordance with the practice of the court, is fixed for the hearing of a proceeding in which he is employed.

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[1] The words "Provincial Government" were substituted for the words "local Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

(*2*) Where a pleader employed in any such proceeding is, from indisposition or any other reasonable cause, unable to attend on such day or at the time when the proceeding is called on, he shall notify the same to the court and thereupon the proceeding shall be stayed for such time as the court may deem reasonable :

Provided that in proceedings in which a party is represented by more than one pleader and one of such pleaders is present, the court may proceed therewith.

(*3*) In any proceeding in which a pleader ceases, temporarily or permanently, to act for his client, because he has accepted Government service, or has been permitted to withdraw from the proceeding, or has been suspended or dismissed, or has died, or for any other reason, the proceeding shall be stayed for such time as the court may deem reasonable.

Pleaders not to give or take commission.

15. No pleader shall tender, give, retain or consent to retain any gratification for procuring or having procured the employment of himself or of any other pleader in any legal business.

Pleaders not to take instructions except from client or authorized agent, or accept employment through a tout.

16. No pleader shall—

(*a*) take instructions in any proceeding except from the party on whose behalf he is retained or from some person who is within the meaning of the Code of Civil Procedure, 1908, the recognized agent of such party, or from some person authorized by such party to give such instruction, or

V of 1908.

(*b*) accept any employment in any legal business through a person who has been proclaimed as a tout.

17. [*Fee may be settled by private agreement.*] *Repealed by Act 21 of 1926, s. 6.*

Computation of taxed fee.

18. (*1*) Where costs are awarded to a party in any proceeding, the amount of the pleader's fee to be taxed in the bill of costs as recoverable by such party, if represented by a pleader, from his adversary, shall be computed in accordance with the rules in Schedule III unless such fee has been settled under the provisions of section [1][3 of the Legal Practitioners (Fees) Act, 1926] for a lesser amount in which case no more than such lesser amount shall be recoverable.

(*2*) Nothing contained in sub-section (*1*) of this section or in section 20 shall apply to fees payable to pleaders in the Court of Small Causes of Bombay.

19. [*Amount payable by client to pleader.*] *Repealed by Act 21 of 1926, s. 6.*

When fees of two pleaders may be taxed.

20. (*1*) Where a party has, before the first hearing of a proceeding, engaged more than one pleader, the fees of two pleaders may be taxed in the bill of costs in the following cases :—

(*a*) in any original suit, of which the amount or value of the subject-matter exceeds Rs. 5,000, in any court subordinate to the High Court ;

X of 1865. V of 1881. I of 1894.

(*b*) in any contested proceeding under the [2]Indian Succession Act, 1865, the [2]Probate and Administration Act, 1881, or the [3]Land Acquisition Act, 1894, of which the amount or value of the subject-matter exceeds Rs. 5,000, in any court subordinate to the High Court ;

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[1] These words and figures were substituted for the figures "17" by Bom. 11 of 1928, s. 2, First Schedule.

[2] See now the Indian Succession Act, 1925.

[3] Central Acts.

(*c*) in any appeal to the High Court from a decree deciding on the merits any suit or any contested proceeding of the kind referred to in clause (*a*) or clause (*b*);

(*d*) in any suit of which the amount or value of the subject matter is less than Rs. 5,000 where the court certifies by order in writing that the fees of two pleaders may be taxed:

Provided that nothing in this section shall affect suits or appeals by paupers, or suits or appeals governed by the Dekkhan Agriculturists Relief Act, 1879. Bom. XVII of 1879.

(*2*) Except in the cases specified in this section, a party employing more than one pleader shall not be entitled to recover from his adversary more than one set of pleader's fees.

Cases where there are several parties having the same interest or putting forward the same defence.

21. Where in any proceeding there are several parties having the same interests or puttng forward the same defence they shall not, if awarded costs, be allowed more than one set of pleaders' fees on party and party taxation unless the Court otherwise directs.

Taxation of costs in appeals to High Court.

22. In any civil appeal or application to the High Court from the decree or order of a court, subordinate to the High Court, if costs between party and party are awarded by the High Court, such costs shall be taxed by an officer of the High Court and included in the bill of costs attached to the decree or order of that Court in the prescribed manner.

Taxation of costs in mofussil courts.

23. In any court subordinate to the High Court situate elsewhere than in [1][the Greater Bombay,] the amount of the pleader's fee to be taxed in the bill of costs attached to the decree or order of that Court shall not be in excess of the amount computed in accordance with the rules in Schedule III:

Provided that nothing in this section shall apply to bills of costs framed under the provisions of the [2]Indian Companies Act, 1913. VII of 1913.

Suspension or removal of pleader by High Court on conviction of criminal offence.

24. The High Court may suspend or remove from practice a pleader who has been convicted by any criminal court in British India of a criminal offence implying a defect in his character which in the opinion of the High Court renders him unfit to be a pleader.

Punishment of pleader by High Court for improper conduct.

25. On the application of the Government Pleader in the High Court, or on a report from a District Court or Court of Session, or from the Chief Judge of the Court of Small Causes of Bombay, or from the Chief Presidency Magistrate for Bombay, or otherwise, the High Court may suspend or remove from practice, or may fine or reprimand, a pleader on reasonable cause.

Powers of District Court or Court of Session in respect of improper conduct of pleader.

26. Where it appears to a District Court or Court of Session or to the Chief Judge of the Court of Small Causes of Bombay, or to the Chief Presidency Magistrate for Bombay, that a pleader has been guilty of neglect of duty or of a violation of any of the provisions of this Act or of any other improper conduct, such court may hold an inquiry regarding such conduct and report the result of such inquiry to the High Court.

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[1] These words were substituted for the original by Bom. 17 of 1945, s. 9, Sch. E, read with Bom. 52 of 1947, s. 2, proviso.

[2] Central Acts.

27. (*1*) Where any case under section 24, section 25 or section 26 is heard by the High Court, the Advocate General or such counsel or pleader as may appear for the Crown shall argue the case against the pleader against whom the allegation is made, and such pleader may appear in person or by counsel or pleader. Conduct of case in High Court against pleader.

(*2*) In any such case the High Court may make such order as to costs as it thinks fit.

28. [*Legal proceedings against pleaders not affected.*] *Repealed by Act 21 of 1926, s. 6.*

29. A pleader whose bill of cost has been taxed may apply to the Court by which or by whose officer the same has been taxed, for an order against his client for the sum allowed on taxation or such sum as may remain due. The Court may make such order or may refer the pleader to a suit. Recovery of taxed fees.

V of 1908. Any such order may be executed under order 21 of the Code of Civil Procedure, 1908, as a decree for money.

30. In every matter in which costs are due to a pleader by his client which have been or are capable of being taxed the pleader shall as against his client be entitled to a lien for the amount of such costs, as taxed, upon— Lien for taxed fees.

(*a*) all documents come into his possession in the course of his engagement in connection with such matter, and for which he has given a receipt in accordance with the provisions of section 13 (*a*) and

(*b*) all movable property recovered or preserved by his exertions in such matter.

31. (*1*) The High Court may make rules consistent with the provisions of this Act— Rules.

(*a*) prescribing the qualifications and mode of admission of pleaders and the fees payable for admission;

(*b*) prescribing the fees payable in respect of examinations (if any) held for the office of pleader;

(*c*) regulating, and providing for the recognition of, bar associations and for granting sanction to the rules of such associations;

(*d*) requiring that a pleader shall be a member of, and submit to the rules of, a bar association;

(*e*) requiring that a pleader shall be a member of, and subscribe to, the law library attached to the principal Court in which he practises;

(*f*) providing for the taxation of costs between party and party;

(*g*) providing for the allowance and taxation of costs between pleader and client whether in litigious or non-litigious business;

(*h*) prescribing, in lieu of the forms in Schedule II, the form of sanad to be given to pleaders and the form of vakalatnamas;

(*i*) prescribing, in lieu of or in addition to the rules in Schedule III, the manner in which the pleader's fee shall be computed, and the amount of the pleader's fee, and determining the amount or value of the subject matter in particular classes of cases or in cases generally, for the purpose of calculating the pleader's fee;

(*j*) prescribing the manner in which costs in appeals or applications to the High Court from decrees or orders of courts subordinate to the High Court shall be taxed, in cases where costs between party and party are awarded by the High Court;

(*k*) fixing the scale of costs which may be awarded in cases under sub-section (*2*) of section 27 ;

(*l*) generally, to give effect to such provisions of this Act as may require to be provided for by rules.

(*2*) Where the High Court prescribes any new forms in lieu of the forms in Schedule II, or makes any new rules in lieu of or in addition to the rules in Schedule III, such new forms or rules respectively shall on publication be deemed to be enacted in such Schedule in lieu of or in addition to the forms or rules now therein enacted.

(*3*) All rules made under this Act shall be published in the [1][*Official Gazette*] and shall thereupon have effect as if enacted in this Act.

Savings.

32. Nothing in this Act shall be deemed to limit or otherwise affect the powers conferred upon the High Court by sections 106 and 107 of the Government of India Act, 1915, or by clauses 9 and 10 of the Letters Patent or by any law for the time being in force. 5 & 6, Geo. 5, c. 61.

Pending cases.

33. Nothing in this Act regarding the appointment, appearance or remuneration of pleaders or the taxation of costs shall apply in respect of any proceedings pending in any court at the commencement of this Act, and all such proceedings, until their final disposal by the court in which they are pending, shall be governed, in respect of such matters, by the laws and rules in force immediately before the commencement of this Act.

Repeal.

34. The enactments mentioned in Schedule I are hereby repealed to the extent specified in the third column thereof.

SCHEDULE I.

(*See* section 34.)

No. and date of enactment.	Title.	Extent of repeal.
Bombay Regulation II of 1827.	A Regulation for defining the constitution of the Courts of Civil Justice and the Powers and Duties of the Judges and Officers thereof.	So much as has not already been repealed, excepting the part of section 21 which prohibits interference of the civil courts in caste questions.
Act I of 1846 ...	An Act for amending the law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.	The whole, excepting section 5.
Act XX of 1853 ...	An Act to amend the law relating to Pleaders in the Courts of the East India Company.	Section 2.

[1] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

SCHEDULE II.

FORM A.

Sanad for a Vakil of the High Court.

(Clause 10 of the Amended Letters Patent and section 4 of the Bombay Pleaders Act, 1920.)

In His Majesty's High Court of Judicature, Appellate Side, Bombay.

Bombay, 19 .

To

In conformity with the Rules made under the provisions of clause 10 of the Amended Letters Patent constituting the High Court of Judicature at Bombay and published under the date, and in conformity with the provisions of the Bombay Pleaders Act, 1920, you are hereby approved, admitted and enrolled as a Vakil of the said High Court and you will not be liable to be removed or suspended from practice, except for reasonable cause.

By order of His Majesty's High Court of Judicature at Bombay,

Seal of the High Court.

Deputy Registrar.

Sealer.

The day of 19

FORM B.

Sanad for a District Pleader.

(Section 4 of the Bombay Pleaders Act, 1920.)

In His Majesty's High Court of Judicature, Appellate Side, Bombay.

Bombay, 19

To

In conformity with the provisions of the Bombay Pleaders Act, 1920, you

are hereby appointed to the office of District Pleader in the district of

You will not be liable to be removed or suspended from practice except for reasonable cause.

By order of His Majesty's High Court of Judicature at Bombay,

Seal of the High Court.

Deputy Registrar.

Sealer.

The day of 19 .

[*Form C "Vakalatnama"*.] Repealed by Act 22 of 1926, s. 3.

SCHEDULE III.

(*See* section 18.)

Rules for computing the pleader's fee.

I.— [1][Subject to the provisions of rule VI]—

(*a*) in suits which decide on the merits the real dispute between the parties.

(*b*) in appeals from decrees (including preliminary decrees) other than appeals from execution proceedings, which decide on the merits the real dispute between the parties,

(*c*) in applications or proceedings under the

[2](*i*) Indian Succession Act, 1925, excepting application or appeals falling under sub-clauses (*ii*) and (*iii*) of clause (*e*) of rule V.

[3](*ii*) Land Acquisition Act, 1894.

the amount of the pleader's fee shall be computed on the amount or value of the subject matter in dispute in the suit, appeal, application or proceeding at the rates specified below :—

[4][If the amount or value of the subject-matter in dispute does not exceed Rs. 2,000 at 5 per cent.

If the amount or value exceeds Rs. 2,000 but does not exceed Rs. 5,000, on Rs. 2,000 as above and on the remainder at 3 per cent.]

If such amount or value exceeds Rs. 5,000 but does not exceed Rs. 10,000, on Rs. 5,000 as above and on the remainder at 2 per cent.

If such amount or value exceeds Rs. 10,000 but does not exceed Rs. 20,000, on Rs. 10,000 as above and on the remainder at 1 per cent.

If such amount or value exceeds Rs. 20,000, on Rs. 20,000 as above and on the remainder at $\frac{1}{2}$ per cent.

[5][*Exception.*—[6][Subject as aforesaid] the amount of pleaders' fees in a suit, appeal, application, or proceeding between landlord and tenant shall be calculated on the amount or value of the claim for the purposes of Court fees and not on the amount or value of the claim for the purposes of jurisdiction :

[1] These words and figures were inserted by H. Ct. (A.S.) Notification No. 2036, dated 30th August 1935.

[2] Sub-clause (*i*) was substituted for the original sub-clauses (*i*) and (*ii*) by Bombay H. Ct. (A.S.) Notification No. 2539, dated 23rd December 1932.

[3] Sub-clause (*iii*) was renumbered as sub-clause (*ii*), *ibid.*

[4] This portion was substituted for the original by H. Ct. (A.S.) Notification No. X 0126/42, dated 22nd June 1944.

[5] The Exception with its proviso was inserted by Bombay H. Ct. (A.S.) No. 2025, dated 28th March 1928.

[6] The words "Subject as aforesaid" were inserted by Bombay H. Ct. (A.S.) Notification No. 2036, dated 30th August 1935.

Provided that the amount may at the discretion of the Court be calculated on the amount or value of the claim for the purposes of jurisdiction when the Court is of opinion, having regard to the labour involved in the preparation of the case or to the complexity of the issues arising therein, that the higher rate of valuation is appropriate.]

II.—[1][Subject to the provisions of rule VI]—

(*a*) in appeals from orders,

(*b*) in civil applications or proceedings other than applications and proceedings necessary for the progress of a suit or appeal and other than applications, proceedings or appeals falling under rules I, IV and V, and

(*c*) in all other cases not otherwise provided for,

the amount of the pleader's fee to be allowed shall be one fourth of that payable according to the rates specified in rule I.

III.—[1][Subject to the provisions of rule VI] the fee prescribed in rules I and II shall be taken to be the remuneration for the pleader's services until the final decree or order in the suit, appeal, application, reference or proceeding, is passed.

IV.—[2][Subject to the provisions of rule VI, the pleader's fees to be allowed in execution proceedings] be one fourth of the fee calculated at the rates specified in rule I on the amount or value of the relief or money claimed in the application to execute the decree. [3][Such fee shall be chargeable on the first application and on every subsequent contested application.]

V.—[1][Subject to the provisions of rule VI]—

(*a*) in any reference made to the High Court under section 113 of the Code of Civil Procedure, 1908, V of 1908.

(*b*) in any application to the High Court under section 115 of the said Code,

(*c*) in any application to the High Court under section 25 of the Provincial Small Causes Courts Act, 1887.

(*d*) in any application for the exercise of the High Court's Extraordinary jurisdiction in civil matters,

(*e*) in all applications or appeals under

(*i*) the Guardians and Wards Act, 1890,

[4](*ii*) Part X of the Indian Succession Act, 1925,

[4](*iii*) Part VII of the Indian Succession Act, 1925,

(*iv*) the Indian Trusts Act, 1882,

(*v*) the Provincial Insolvency Act, [5][1920],

(*vi*) any other special or local Act,

a sum of Rs. 30 shall be allowed as the pleader's fee.

[6][VI.—In all suits, appeals, applications or proceedings in which a commission is issued under the provisions of section 75 of the Civil Procedure Code the pleader's fee shall consist of—

(*a*) an amount computed in accordance with whichever of rule I to V would be applicable to the suit, appeal, application or proceeding but for the issue of the commission,

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[1] The words "Subject to the provisions of rule VI" were inserted by Bombay H. Ct. (A.S.) Notification No. 2036, dated 30th August 1935.

[2] These words were substituted for the words "In execution proceedings the pleader's fee to be allowed shall", *ibid.*

[3] These words were inserted by Bombay H. Ct. (A.S.) Notification No. 2124, dated 28th April 1925.

[4] Sub-clauses (*ii*) and (*iii*) were substituted for the original sub-clauses by H. Ct. (A.S.) Notification No. 2539, dated 23rd December 1932.

[5] The figures "1920" were substituted for the figures "1907", *ibid.*

[6] Rule VI was inserted by H. Ct. (A.S.) Notification No. 2036, dated 30th August 1935.

(*b*) and such fees not exceeding Rs. 20 per day for appearing before the Commissioner as the Court may in its discretion allow :

Provided

(*i*) that no fees shall be allowed for appearing before a Commissioner if the Court when issuing the commission certifies that the presence of a pleader before the Commissioner is not necessary.

(*ii*) and provided further that no fees shall be allowed for appearing before a Commissioner in the town or village which is the headquarters of the Court issuing the Commission.]

[1]VII.—In no case, whether specially provided for in this Schedule or otherwise, shall the pleader's fee payable in any civil suit, appeal, application, or proceeding other than execution proceedings be less than—

(*a*) Rs. 30 in the High Court,

(*b*) Rs. 15 in a District Court,

(*c*) Rs. 15 in the Court of a Subordinate Judge subject to the provisions of clause (*d*) and the proviso below,

(*d*) Rs. 5 in the Court of a Subordinate Judge, in suits of the nature cognizable by a Court of Small Causes, or in the Court of a Jagirdar or Inamdar exercising jurisdiction under Bombay Regulation XIII of 1830 and Act XV of 1840, or in the Court of a Mamlatdar under the Mamlatdar's Courts Act, 1906 :

Provided that suits by a superior holder for the recovery of his dues in the Court of a Subordinate Judge shall be governed by clause (*d*) and not by clause (*c*), unless in the opinion of the Court the suit involves questions of a complicated nature affecting title to land :

[2][Provided further that if a Commission is issued under the provisions of section 75, Civil Procedure Code, in the suit, appeal, application or proceeding, in calculating for the purposes of this rule the pleader's fee payable in such suit, appeal, application or proceeding, the fees payable under the provisions of rule VI, clause (*b*), shall be excluded.]

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[1] Rule VI which was substituted for the original by H. Ct. (A.S.) Notification No. 311, dated 26th January 1929, was renumbered as rule VII by H. Ct. (A.S.) Notification No. 2036, dated 30th August 1935.

[2] This proviso to rule VII was inserted by H. Ct. (A.S.) Notification No. 2036, dated 30th August 1935.

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CORRIGENDA TO BOMBAY CODE, VOLUME I.

Page 15, in line 6, *for* "applied to" *read* "if applied to".
Page 19, in clause *Third* of section 43, in line 6, *for* "instituting" *read* "by instituting".
Page 49, in footnote 2, in line 1, *for* "Chapter VII" *read* "Chapter VIII".
Page 56, in line 5 at the beginning, *insert* the figures "14".
Page 177, in section 9-*thirdly*, in line 1, *for* "he" *read* "the".
Page 279, in section 4, *for* "1866" *read* "1876".
Page 308, in section 16, in line 2, *for* "1888", *read* "1884".
Page 424, in section 87 (3), in line 1, *for* "issue at" *read* "at issue".
Page 435, in section 120, in line 7, *for* "confined" *read* "confirmed".
Page 445, in section 149, in line 3, *for* "of the arrear" *read* "of the existence of the arrear".
Page 499, in section 60, in the last line, *for* "same purpose" *read* "said purpose".
Page 579, in section 2, in line 7, *for* "parternal" *read* "paternal".
Page 668, in section 39 (9), in line 4, *for* "instructions" *read* "instruction".
Page 707, in section 90 (2), in line 2, *for* "hole" *read* "whole".
Page 786, in footnote 9, *for* "Bom. 5 of 1938" *read* "Bom. 8 of 1918".
Page 809, in section 348 (2), in the margin, *for* "Bom. IV of 1879" *read* "Bom. VI of 1879".
Page 823, in section 361 (1) (a), in line 1, *for* "firemen" *read* "fireman".
Page 831, in section 381 (2), in line 4, *for* "municipal funds" *read* "municipal fund".
Page 831, in footnote 1, *for* "1228" *read* "1928".
Page 839, in section 407 (b), in line 1, *for* "from the stallages" *read* "farm the stallages".
Page 840, in section 409, in line 4, *for* "slighter house" *read* "slaughter-house".
Page 867, in footnote 12, *for* "Bom. 6 of 1920" *read* "Bom. 7 of 1920".
Page 868, in footnote 7, *for* "1989" *read* "1898".
Page 868, in footnote 8, *for* "Bom. 13 of 1903" *read* "Bom. 13 of 1933".
Page 868, in footnote 9, *for* "(2)" *read* "(z)".
Page 932, against entry plot No. 10 (a) and 10 (b), in column 3 in line 4, *for* "41" *read* "47".
Page 1004, in section 26 (2), in line 3, *for* "perison" *read* "person".
Page 1004, in section 26 (A), in line 1, *for* "section 25 An" *read* "section 25A in".
Page 1006, in section 33, in line 2, *for* "to be employed" *read* "not to be employed".
Page 1007, in section 34 (1) (a), in line 1, *for* "writter" *read* "written".
Page 1009, in section 39 (e), in line 1, for "odour" *read* "ordure".
Page 1037, in section 3 (1) (a), in line 4, *for* "months' notice" *read* "two months' notice".
Page 1050, in section 25 (b), in line 2, *for* "may" *read* "any".
Page 1159, in section 135, in line 1, *for* "whole" *read* "hole".
Page 1162, in line 21, *for* "carriage for consumption" *read* "carriage or consumption".
Page 1180, in footnote 7, in line 2, *for* "4 (a)" *read* "(3) (a)".
Page 1243, in section 66 (4), in line 1, *for* "drovisions" *read* "provisions".
Page 1367, in section 24 (2), in line 6, *for* "contempated" *read* "contemplated".
Page 1421, in Schedule III, in rule (VI) (a), in line 1, *for* "rule" *read* "rules".

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